150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799

AIR POLLUTION CONTROL DISTRICT

September 26, 2018

Carol Sutkus, Manager
California Air Resources Board
1001 I Street
PO Box 2815
Sacramento, CA 95812

Re: Imperial County Air Pollution Control District (Air District) Rules 101, 428, 429 and 804 Request for State Implementation Plan (SIP) submittal.

Dear Ms Sutkus

On September 11, 2018, the Imperial County Air Pollution Control District Board of Directors (Air Board) unanimously adopted new and revised rules fulfilling commitments made under the Moderate area Ozone and $PM_{2.5}$ State Implementation Plans (SIPs).

REVISED RULES

Rule 101	Definitions
Rule 804	Open Areas

NEWLY ADOPTED RULES

Rule 428	Wood Burning Appliances
Rule 429	Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning

Therefore, the Air District is forwarding to CARB and requesting that CARB forward to the United States Environmental Protection Agency, Region IX the listed rules above as a SIP revision to Imperial County portion of the California SIP. Should you have any questions please do not hesitate to contact me at (442) 265-1800.

Respectfully,

Monica N. Soucier
APC Division Manager

cc: Doris Lo, Rulemaking Office Chief USEPA Region IX

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

***** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB *****

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Imperial County

Rule No: 428

Rule Title: Wood Burning Appliances

Date Adopted or Amended: September 11, 2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

Attached	Not Attached	N/A	
☒	☐	☐	**COMPLETE COPY OF THE RULE:** Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
☒	☐	☐	**UNDERLINE AND STRIKEOUT COPY OF THE RULE**: If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
☒	☐	☐	**COMPLETE COPY OF THE REFERENCED RULE(S):** For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
☒	☐	☐	**PUBLIC NOTICE EVIDENCE:** Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended.
☒	☐	☐	**RESOLUTION/MINUTE ORDER:** Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
☒	☐	☐	**PUBLIC COMMENTS AND RESPONSES:** Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

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☐	☐	☒	**MODELING SUPPORT:** Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO2, directly emitted PM10, CO, or NOx (for NO2 purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
☐	☐	☒	**ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES**: The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy.
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CALIFORNIA AIR RESOURCES BOARD

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District: Imperial County

Rule No: 429

Rule Title: MandatoryEpisodic Curtailment of Wood and Other solid Fuel Burning

Date Adopted or Amended: September 11, 2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

Attached	Not Attached	N/A	
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CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
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CALIFORNIA AIR RESOURCES BOARD

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District: Imperial County

Rule No: 804

Rule Title: Open Areas

Date Adopted or Amended: September 11, 2018

ADMINISTRATIVE MATERIALS

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CALIFORNIA AIR RESOURCES BOARD

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CALIFORNIA AIR RESOURCES BOARD

APCD/AQMD RULE EVALUATION FORM -- Page 1

(Electronic Format)

I. GENERAL INFORMATION

District: Imperial County

Rule No(s): 428 Date adopted/Amended/Rescinded: September 11, 2018

Rule Title(s): Wood Burning Appliances

Date Submitted to ARB: September 26, 2018

If an Amended Rule, Date Last Amended (or Adopted): September 11, 2018

Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No *(If No, do not complete remainder of form)*

District Contact: Monica Soucier Phone Number: 442-265-1800 E-mail Address: monicasoucier@co.imperial.ca.us

Narrative Summary of New Rule or Rule Changes: ☒ New Rule ☐ Amended Rule

Rule 428 will encourage Imperial County residents to transition from older more polluting wood burning heaters and wood burning fireplaces (commonly called open hearth fireplaces) to cleaner alternatives.

Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☒ (NOx) ☒ SO2 ☒ (CO) ☒ PM ☐ TAC (name):_____

II. EFFECT ON EMISSIONS

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: N/A

Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate *(Provide information on as many years as possible)*:
N/A

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☒ Nonattainment ☐ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: N/A

Percent in Nonattainment Area: N/A%

Number of Large (≥ 100 TPY) Sources Controlled: N/A Percent in Nonattainment Area: N/A%

Name(s) and Location(s) (city and county) of Large (≥ 100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary)*: N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: N/A

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): N/A Work Practice Standards in Section(s): N/A
Recordkeeping Requirements in Section(s): N/A Reporting Requirements in Section(s): N/A

APCD/AQMD RULE EVALUATION FORM -- Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: _____

CALIFORNIA AIR RESOURCES BOARD

APCD/AQMD RULE EVALUATION FORM -- Page 1

(Electronic Format)

I. GENERAL INFORMATION

District: Imperial County

Rule No(s): 429 Date adopted/Amended/Rescinded: September 11, 2018

Rule Title(s): Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning

Date Submitted to ARB: September 26, 2018

If an Amended Rule, Date Last Amended (or Adopted): September 11, 2018

Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No *(If No, do not complete remainder of form)*

District Contact: Monica Soucier Phone Number: 442-265-1800 E-mail Address: monicasoucier@co.imperial.ca.us

Narrative Summary of New Rule or Rule Changes: ☒ New Rule ☐ Amended Rule

Rule 429 will implement an episodic wood burning curtailment program that will prohibit operation of high polluting wood burning heaters and wood burning fireplaces during those days when the PM2.5 concentrations are forecasted to be equal to or exceed 35µg/m3.

Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☒ (NOx) ☒ SO2 ☒ (CO) ☒ PM ☐ TAC (name):_____

II. EFFECT ON EMISSIONS

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: N/A

Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate *(Provide information on as many years as possible)*:
N/A

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: ☐ Attainment ☒ Nonattainment ☐ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: N/A

Percent in Nonattainment Area: N/A%

Number of Large (≥ 100 TPY) Sources Controlled: N/A Percent in Nonattainment Area: N/A%

Name(s) and Location(s) (city and county) of Large (≥ 100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary)*: N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: N/A

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): N/A Work Practice Standards in Section(s): N/A
Recordkeeping Requirements in Section(s): N/A Reporting Requirements in Section(s): N/A

APCD/AQMD RULE EVALUATION FORM -- Page 3
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VI. IMPACT ON AIR QUALITY PLAN

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Discussion: _____

CALIFORNIA AIR RESOURCES BOARD

APCD/AQMD RULE EVALUATION FORM -- Page 1

(Electronic Format)

I. GENERAL INFORMATION

District: Imperial County

Rule No(s): 804 Date adopted/Amended/Rescinded: September 11, 2018

Rule Title(s): Open Areas

Date Submitted to ARB: September 26, 2018

If an Amended Rule, Date Last Amended (or Adopted): September 11, 2018

Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No *(If No, do not complete remainder of form)*

District Contact: Monica Soucier Phone Number: 442-265-1800 E-mail Address: monicasoucier@co.imperial.ca.us

Narrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended Rule

Rule 804 will meet contingency requirements in the 2018 Annual PM2.5 SIP. Currently, Rule 804 requires dust control on rural areas over three acres. If Imperial County fails to meet RFP, the rural area threshold will be lowered to include all rural areas that contain at least 1000 square feet of disturbed surface area.

Pollutant(s) Regulated by the Rule (Check): ☐ ROG ☐ (NOx) ☐ SO2 ☐ (CO) ☒ PM ☐ TAC (name):_____

II. EFFECT ON EMISSIONS

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Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: N/A

Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate *(Provide information on as many years as possible)*:
N/A

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

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Percent in Nonattainment Area: N/A%

Number of Large (≥ 100 TPY) Sources Controlled: N/A Percent in Nonattainment Area: N/A%

Name(s) and Location(s) (city and county) of Large (≥ 100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary)*: N/A

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: N/A

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): N/A Work Practice Standards in Section(s): N/A
Recordkeeping Requirements in Section(s): N/A Reporting Requirements in Section(s): N/A

APCD/AQMD RULE EVALUATION FORM -- Page 3
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VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: _____

MINUTE ORDER
OF
AIR POLLUTION
CONTROL BOARD

Date: September 11, 2018	**Book:** 432	**Page:** 332	**File #:** 560.14	**M.O.#:** 21b
X-File 1:	**X-File 2:**	**X-File 3:**	**X-File 4:**	
Department: APCD		**2nd Page:**		

THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, on a motion by Supervisor : PLANCARTE , second by Supervisor : M. KELLEY and approved by the following roll call vote;

AYES : RENISON, PLANCARTE, M.KELLEY, CASTILLO

NAYES : NONE

ABSTAINED : NONE

EXCUSED OR ABSENT : R. KELLEY

IN REFERENCE TO :

PUBLIC HEARING

Adopted Rule 428 Wood Burning Appliances and related findings.

BOARD OF SUPERVISORS * IMPERIAL COUNTY * CALIFORNIA * 1907

Topic: Rule 428			**X-Topic:** Wood Burning Appliances		
CC:	☒ File	☒ Auditor	☐ County Counsel	☐ ICCED	☐ Sheriff-Coroner
	☒ APCD	☐ Behavioral Health	☐ County Property	☐ Planning	☐ Social Services
	☐ Assessors	☒ CEO	☐ Health	☐ Public Works	☐ Other...

MINUTE ORDER
OF
AIR POLLUTION
CONTROL BOARD

Date: September 11, 2018	**Book:** 432	**Page:** 333	**File #:** 560.14	**M.O.#:** 21c
X-File 1:	**X-File 2:**	**X-File 3:**	**X-File 4:**	
Department: APCD		**2nd Page:**		

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AYES : RENISON, PLANCARTE, M.KELLEY, CASTILLO

NAYES : NONE

ABSTAINED : NONE

EXCUSED OR ABSENT : R. KELLEY

IN REFERENCE TO :

PUBLIC HEARING

Adopted Rule 429 Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning and related findings.

Topic: Rule 429		**X-Topic:** Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning	
CC:	☒ File	☒ Auditor	☐ County Counsel
	☒ APCD	☐ Behavioral Health	☐ County Property
	☐ Assessors	☒ CEO	☐ Health
	☐ ICCED	☐ Sheriff-Coroner	
	☐ Planning	☐ Social Services	
	☐ Public Works	☐ Other...	

MINUTE ORDER
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AYES : RENISON, PLANCARTE, M.KELLEY, CASTILLO

NAYES : NONE

ABSTAINED : NONE

EXCUSED OR ABSENT : R. KELLEY

IN REFERENCE TO :

PUBLIC HEARING

Adopted Revised Rule 804 Open Areas and related findings.

Topic: Revised Rule 804		**X-Topic:** Open Areas	
CC:	☒ File	☒ Auditor	☐ County Counsel	☐ ICCED	☐ Sheriff-Coroner
	☒ APCD	☐ Behavioral Health	☐ County Property	☐ Planning	☐ Social Services
	☐ Assessors	☒ CEO	☐ Health	☐ Public Works	☐ Other...

RULE 428 WOOD BURNING APPLIANCES (Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

This rule applies to:

B.1 Any person who manufactures, sells, offers for sale, or operates a permanently installed, indoor or outdoor, wood burning appliance within the Imperial County $PM_{2.5}$ Nonattainment Area.

B.2 Any person who installs a wood burning appliance in any residential or commercial, single or multi-building unit within the Imperial County $PM_{2.5}$ Nonattainment Area.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 FIREPLACE: Any permanently installed indoor or outdoor masonry or factory built device used for aesthetic or space-heating purposes that is designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1 as determined by EPA Test Method 28A, Air to Fuel Burn Rate – Wood Fired Appliances.

C.2 IMPERIAL COUNTY $PM_{2.5}$ NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

C.3 MANUFACTURER: any person who constructs or imports a wood burning appliance.

C.4 NSPS: New Source Performance Standard. For purposes of this rule, the NSPS is the Code of Federal Regulations, Title 40, Part 60, Subpart AAA.

C.5 OUTDOOR WOOD BURNING DEVICE: any wood burning fireplace, or other device designed to burn wood, and that is located outside of a building or structure. This includes, but is not limited to, burn bowls, fire rings/pits, chimeneas, and chimneys. This does not include fire pits at state parks, national parks, or national forests.

C.6 PELLET FUELED HEATER: any heater manufactured for the purpose of heating a space and is intended to operate on pellet fuel.

C.7 PELLET FUEL: includes, but is not limited to, compressed sawdust, compressed paper products, and compressed forest residue, wood chips and other waste biomass, ground nut-hulls and fruit pits, corn, and cottonseed.

C.8 PERMANENTLY INOPERABLE: modified in such a way that a wood heater can no longer operate as a wood heater.

C.9 RETAILER: any person engaged in the sale of wood burning appliances directly to the consumer.

C.10 SEASONED WOOD: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight, as determined by Current version of ASTM Test Method D 4442-92.

C.11 U.S. EPA CERTIFIED WOOD BURNING APPLIANCES: A wood burning appliance that (1) Complies with NSPS certification requirements in effect at the time of installation, and (2) has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation.

C.12 U.S. EPA-QUALIFIED FIREPLACE: Means any fireplace model or retrofit device that has been qualified by EPA under EPA's Voluntary Fireplace Program as emitting no more than 5.1 g of particulate matter per kilogram of wood burned.

C.13 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).

C.14 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in Title 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled heater, or wood burning fireplace insert).

D Exemptions

The following devices are exempt from the provisions of this rule:

D.1 Devices that are exclusively gaseous-fueled.

D.2 Cook stoves, as defined in the Code of Federal Regulations, Title 40 section 60.531.

E Requirements

E.1 Sale and installation of Wood Burning Appliances

E.1.1 New Wood Burning Appliances. Effective 04/12/2019, no person shall sell, offer for sale, supply, install, or transfer a new wood burning appliance unless it:

E.1.1.1 Is a wood heater that complies with NSPS certification requirements in effect at the time of installation, and

E.1.1.2 Has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation, or

E.1.1.3 Is a U.S. EPA-Qualified Fireplace.

E.1.2 Used Wood Burning Appliances. No person shall advertise, sell, offer for sale, supply, install, or transfer a used wood burning appliance unless it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.1.3 Effective 04/12/2019, any person selling, offering for sale, or installing new wood burning appliances shall distribute public awareness information with each wood burning appliance, in the form of pamphlets, brochures, or fact sheets on the following topics:

E.1.3.1 Proper installation, operation, and maintenance of the wood burning appliance.

E.1.3.2 Proper Fuel selection and use,

E.1.3.3 Health effects from wood smoke, and

E.1.3.4 Weatherization methods for the home.

E.1.4 Sale or Transfer of Real Property. Effective 04/12/2019, no person shall sell or transfer any real property which contains a wood heater without first assuring that it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.2 Operation of Wood Burning Appliances: All wood burning appliances shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA-certified Wood Burning Appliance which has been altered, installed, or disassembled in any way not specified by the manufacturer, or which is operated in any manner that would result in emissions exceeding the standards set forth in the NSPS, shall not be considered a U.S. EPA-certified appliance.

E.3 Permitted Fuel Types

Burning of any fuels or materials in a Wood Burning Appliance other than the following fuels shall be in violation of this rule:

E.3.1. Seasoned wood (less than 20% moisture content, dry basis).

E.3.2. Uncolored paper.

E.3.3. Manufactured logs, pellets, and similar manufactured products (i.e., processed fire starters).

E.4 Operation of Wood Burning Appliances

E.4.1. All wood burning appliances should be installed and operated according to the manufacturer's specifications. No wood burning appliance shall be altered, installed, or disassembled in a way not specified by the manufacturer, or operated in a manner that could result in additional emissions.

E.4.2. No person shall cause or allow readily visible smoke from a wood burning appliance to occur for a time exceeding three continuous minutes in any one hour period. Smoke created during the thirty minute start-up or shut down period is exempt from this condition. Readily visible smoke is equated with an opacity of 20% (U.S. EPA Test Method 9) or greater as designated by shade No.1 on the Ringelmann Chart.

RULE 429 MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING
(Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

B.1 This rule applies to any person who operates a Wood Burning Appliance in Imperial County, as specified in Sections E.1 or E.2.

B.2 The provisions of this rule shall take effect on January 1, 2020.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 CALEXICO AREA: the geographical area under Zip Code 92231.

C.2 CURTAILMENT DAY: Any day during the wood burning season so declared to the public by the APCO when the District forecasts that 24-Hour average levels of particulate matter of 2.5 microns in size or less ($PM_{2.5}$) is forecast to exceed 35 $\mu g/m^3$ at the Calexico monitor.

C.3 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled wood heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).

C.4 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled wood heater, or wood burning fireplace insert).

C.5 WOOD BURNING SEASON: for purposes of this rule, the months of November, December, January, and February.

C.6 2018 ANNUAL $PM_{2.5}$ SIP: Imperial County 2018 Annual Particulate Matter Less Than 2.5 Microns in Diameter State Implementation Plan.

D Exemptions

The following devices are exempt from the provisions of this rule:

D.1 Devices that are exclusively gaseous-fueled.

D.2 Cookstoves, as defined in 40 CFR section 60.531.

D.3 Any wood burning appliance located where natural gas service is not available. For the purposes of this rule, propane and butane are not considered natural gas.

D.4 Any wood burning appliance that is the sole available source of heat in a residence. This includes times of temporary service outages, as determined by the gas or electrical utility service.

E. Mandatory Wood Burning Curtailment

This section shall be in effect annually during the Wood Burning Season.

E.1 The APCO shall declare a mandatory wood burning curtailment for the Calexico Area whenever the District forecasts that the 24-hour average $PM_{2.5}$ concentration will exceed 35 µg/m³ at the Calexico monitoring station.

E.2 Upon U.S. EPA notification that the Imperial County $PM_{2.5}$ Nonattainment Area has failed: (1) to meet Reasonable Further Progress in the 2018 Annual $PM_{2.5}$ SIP, (2) to meet a Quantitative Milestone in the 2018 Annual $PM_{2.5}$ SIP, and/or (3) to submit a Quantitative Milestone Report required under 40 CFR 51.1013(b), the APCO shall declare a Mandatory Wood Burning Curtailment for all Imperial County whenever the forecast for the 24-hour average $PM_{2.5}$ concentration is equal to or exceeds 30 µg/m^3 at the Calexico monitoring station.

E.3 No person shall operate any wood burning appliance during a mandatory wood burning curtailment, unless the wood burning appliance is subject to one or more of the exemptions in section D.

F Mandatory Wood Burning Curtailment Notice.

F.1 The APCO shall notify the public of each mandatory wood burning curtailment by any of the following methods:

F.1.1 Provide notice to newspapers of general circulation within the Imperial Valley.

F.1.2 Broadcast of messages presented by radio or television stations operating in the Imperial Valley.

F.1.3 A recorded telephone message for which the telephone number is published.

F.1.4 Messages posted on the Air Pollution Control District's website.

F.1.5 On the Imperial Valley forecasting website and the mobile app "Imperial Valley Air Quality".

F.1.6 Any other method as the APCO determines is appropriate.

RULE 804 OPEN AREAS

(Adopted 11/08/2005; Revised 10/16/2012; 04/12/2016; __/__/2018)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM_{10}) entrained in the ambient air as a result of emissions generated from Open Areas by requiring actions to prevent, reduce, or mitigate PM_{10} emissions.

B. Applicability

This rule shall apply to any open area having 0.5 acres or more within urban areas, or 3.0 acres or more within rural areas; and contains at least 1000 square feet of disturbed surface area.

C. Definitions

The definition of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM_{10}) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

D.1 Agricultural Operation Sites subject to Rule 806, Conservation Management Practices.

D.2 Recreational OHV Use Areas on public lands subject to Rule 800, General Requirements for Control of Fine Particulate Matter (PM_{10}).

E. Requirements

E.1 Open Areas: all Persons who own or otherwise have jurisdiction over an Open Area shall comply with one or more of the requirements of Section F.1 to comply with the conditions of a Stabilized Surface at all times and limit VDE to 20% opacity in accordance with U.S. EPA Test Method 9.

E.2 Vehicle use in Open Areas: within 30 days following initial discovery of evidence of trespass, a Person who owns or otherwise has jurisdiction over an Open Area shall prevent unauthorized vehicle access by posting "No Trespassing" signs or installing physical barriers such as fences, gates, posts, and/or appropriate barriers to effectively prevent access to the area.

E.3 Upon U.S. EPA notification that the Imperial County $PM_{2.5}$ Nonattainment Area has failed: (1) to meet Reasonable Further Progress in the 2018

Annual $PM_{2.5}$ SIP, (2) to meet a Quantitative Milestone in the 2018 Annual $PM_{2.5}$ SIP, and/or (3) to submit a Quantitative Milestone Report required under 40 CFR 51.1013(b), this rule shall apply to any open area having 0.5 acres or more within urban areas and all rural open areas; that contain at least 1000 square feet of a disturbed surface area.

F. Best Available Control Measures for Fugitive Dust (PM_{10})

F.1 OPEN AREAS

Any Combination of BACM and Alternative BACM is permissible.

F.1.a Apply and maintain water or dust suppressant(s) to all unvegetated areas.

F.1.b Establish vegetation on all previously disturbed areas.

F.1.c Pave, apply and maintain Gravel, or apply and maintain Chemical Stabilizers/Suppressants

F.1.d Implement Alternative BACM for exposed playa at the Salton Sea if approved by both the APCD and EPA. Alternative BACM may be approved by the APCD and EPA in accordance with a technical evaluation demonstrating that the proposed Alternative BACM achieves PM10 emission reductions equivalent to BACM measures identified in subsection F.1.a, F.1.b, and F.1.c and that the dust control method will achieve a STABILIZED SURFACE and meet the 20% opacity requirement in accordance with U.S. EPA Test Method 9. ~~Implement Alternative BACM, approved in accordance with subdivision G.~~

~~G. Alternative BACM Approval Process~~

~~G.1 The APCD may approve Alternative BACM if:~~

~~G.1a Both a technical evaluation submitted to the APCD and APCD-witnessed field test(s) (number and nature of tests determined by APCO) demonstrate that the proposed Alternative BACM achieves PM_{10} emissions reductions equivalent to BACM measures identified at F.1.a, F.1.b, and F.1.c available for the applicable operation and that the dust control method will achieve a STABALIZED SURFACE and meet the 20% opacity requirement; and,~~

~~G.2 After the APCD has accepted the Alternative BACM, the proposed Alternative BACM will be submitted to EPA for its approval.~~

H. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

I. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

RULE 428 WOOD BURNING APPLIANCES
(Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

This rule applies to:

B.1 Any person who manufactures, sells, offers for sale, or operates a permanently installed, indoor or outdoor, wood burning appliance within the Imperial County $PM_{2.5}$ Nonattainment Area.

B.2 Any person who installs a wood burning appliance in any residential or commercial, single or multi-building unit within the Imperial County $PM_{2.5}$ Nonattainment Area.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 FIREPLACE: Any permanently installed indoor or outdoor masonry or factory built device used for aesthetic or space-heating purposes that is designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1 as determined by EPA Test Method 28A, Air to Fuel Burn Rate – Wood Fired Appliances.

C.2 IMPERIAL COUNTY $PM_{2.5}$ NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

C.3 MANUFACTURER: any person who constructs or imports a wood burning appliance.

C.4 NSPS: New Source Performance Standard. For purposes of this rule, the NSPS is the Code of Federal Regulations, Title 40, Part 60, Subpart AAA.

C.5 OUTDOOR WOOD BURNING DEVICE: any wood burning fireplace, or other device designed to burn wood, and that is located outside of a building or structure. This includes, but is not limited to, burn bowls, fire rings/pits, chimeneas, and chimneys. This does not include fire pits at state parks, national parks, or national forests.

C.6 PELLET FUELED HEATER: any heater manufactured for the purpose of heating a space and is intended to operate on pellet fuel.

C.7 PELLET FUEL: includes, but is not limited to, compressed sawdust, compressed paper products, and compressed forest residue, wood chips and other waste biomass, ground nut-hulls and fruit pits, corn, and cottonseed.

C.8 PERMANENTLY INOPERABLE: modified in such a way that a wood heater can no longer operate as a wood heater.

C.9 RETAILER: any person engaged in the sale of wood burning appliances directly to the consumer.

C.10 SEASONED WOOD: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight, as determined by Current version of ASTM Test Method D 4442-92.

C.11 U.S. EPA CERTIFIED WOOD BURNING APPLIANCES: A wood burning appliance that (1) Complies with NSPS certification requirements in effect at the time of installation, and (2) has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation.

C.12 U.S. EPA-QUALIFIED FIREPLACE: Means any fireplace model or retrofit device that has been qualified by EPA under EPA's Voluntary Fireplace Program as emitting no more than 5.1 g of particulate matter per kilogram of wood burned.

C.13 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).

C.14 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in Title 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled heater, or wood burning fireplace insert).

D Exemptions

The following devices are exempt from the provisions of this rule:

D.1 Devices that are exclusively gaseous-fueled.

D.2 Cook stoves, as defined in the Code of Federal Regulations, Title 40 section 60.531.

E Requirements

E.1 Sale and installation of Wood Burning Appliances

E.1.1 New Wood Burning Appliances. Effective 04/12/2019, no person shall sell, offer for sale, supply, install, or transfer a new wood burning appliance unless it:

E.1.1.1 Is a wood heater that complies with NSPS certification requirements in effect at the time of installation, and

E.1.1.2 Has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation, or

E.1.1.3 Is a U.S. EPA-Qualified Fireplace.

E.1.2 Used Wood Burning Appliances. No person shall advertise, sell, offer for sale, supply, install, or transfer a used wood burning appliance unless it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.1.3 Effective 04/12/2019, any person selling, offering for sale, or installing new wood burning appliances shall distribute public awareness information with each wood burning appliance, in the form of pamphlets, brochures, or fact sheets on the following topics:

E.1.3.1 Proper installation, operation, and maintenance of the wood burning appliance.

E.1.3.2 Proper Fuel selection and use,

E.1.3.3 Health effects from wood smoke, and

E.1.3.4 Weatherization methods for the home.

E.1.4 Sale or Transfer of Real Property. Effective 04/12/2019, no person shall sell or transfer any real property which contains a wood heater without first assuring that it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.2 Operation of Wood Burning Appliances: All wood burning appliances shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA-certified Wood Burning Appliance which has been altered, installed, or disassembled in any way not specified by the manufacturer, or which is operated in any manner that would result in emissions exceeding the standards set forth in the NSPS, shall not be considered a U.S. EPA-certified appliance.

E.3 Permitted Fuel Types

Burning of any fuels or materials in a Wood Burning Appliance other than the following fuels shall be in violation of this rule:

E.3.1. Seasoned wood (less than 20% moisture content, dry basis).

E.3.2. Uncolored paper.

E.3.3. Manufactured logs, pellets, and similar manufactured products (i.e., processed fire starters).

E.4 Operation of Wood Burning Appliances

E.4.1. All wood burning appliances should be installed and operated according to the manufacturer's specifications. No wood burning appliance shall be altered, installed, or disassembled in a way not specified by the manufacturer, or operated in a manner that could result in additional emissions.

E.4.2. No person shall cause or allow readily visible smoke from a wood burning appliance to occur for a time exceeding three continuous minutes in any one hour period. Smoke created during the thirty minute start-up or shut down period is exempt from this condition. Readily visible smoke is equated with an opacity of 20% (U.S. EPA Test Method 9) or greater as designated by shade No.1 on the Ringelmann Chart.

RULE 429 MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING
(Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

B.1 This rule applies to any person who operates a Wood Burning Appliance in Imperial County, as specified in Sections E.1 or E.2.

B.2 The provisions of this rule shall take effect on January 1, 2020.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 CALEXICO AREA: the geographical area under Zip Code 92231.

C.2 CURTAILMENT DAY: Any day during the wood burning season so declared to the public by the APCO when the District forecasts that 24-Hour average levels of particulate matter of 2.5 microns in size or less ($PM_{2.5}$) is forecast to exceed 35 $\mu g/m^3$ at the Calexico monitor.

C.3 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled wood heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).

C.4 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled wood heater, or wood burning fireplace insert).

C.5 WOOD BURNING SEASON: for purposes of this rule, the months of November, December, January, and February.

C.6 2018 ANNUAL $PM_{2.5}$ SIP: Imperial County 2018 Annual Particulate Matter Less Than 2.5 Microns in Diameter State Implementation Plan.

D Exemptions

The following devices are exempt from the provisions of this rule:

D.1 Devices that are exclusively gaseous-fueled.

D.2 Cookstoves, as defined in 40 CFR section 60.531.

D.3 Any wood burning appliance located where natural gas service is not available. For the purposes of this rule, propane and butane are not considered natural gas.

D.4 Any wood burning appliance that is the sole available source of heat in a residence. This includes times of temporary service outages, as determined by the gas or electrical utility service.

E. Mandatory Wood Burning Curtailment

This section shall be in effect annually during the Wood Burning Season.

E.1 The APCO shall declare a mandatory wood burning curtailment for the Calexico Area whenever the District forecasts that the 24-hour average $PM_{2.5}$ concentration will exceed 35 µg/m³ at the Calexico monitoring station.

E.2 Upon U.S. EPA notification that the Imperial County $PM_{2.5}$ Nonattainment Area has failed: (1) to meet Reasonable Further Progress in the 2018 Annual $PM_{2.5}$ SIP, (2) to meet a Quantitative Milestone in the 2018 Annual $PM_{2.5}$ SIP, and/or (3) to submit a Quantitative Milestone Report required under 40 CFR 51.1013(b), the APCO shall declare a Mandatory Wood Burning Curtailment for all Imperial County whenever the forecast for the 24-hour average $PM_{2.5}$ concentration is equal to or exceeds 30 µg/m^3 at the Calexico monitoring station.

E.3 No person shall operate any wood burning appliance during a mandatory wood burning curtailment, unless the wood burning appliance is subject to one or more of the exemptions in section D.

F Mandatory Wood Burning Curtailment Notice.

F.1 The APCO shall notify the public of each mandatory wood burning curtailment by any of the following methods:

F.1.1 Provide notice to newspapers of general circulation within the Imperial Valley.

F.1.2 Broadcast of messages presented by radio or television stations operating in the Imperial Valley.

F.1.3 A recorded telephone message for which the telephone number is published.

F.1.4 Messages posted on the Air Pollution Control District's website.

F.1.5 On the Imperial Valley forecasting website and the mobile app "Imperial Valley Air Quality".

F.1.6 Any other method as the APCO determines is appropriate.

RULE 804 OPEN AREAS

(Adopted 11/08/2005; Revised 10/16/2012; 04/12/2016; 09/11/2018)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM_{10}) entrained in the ambient air as a result of emissions generated from Open Areas by requiring actions to prevent, reduce, or mitigate PM_{10} emissions.

B. Applicability

This rule shall apply to any open area having 0.5 acres or more within urban areas, or 3.0 acres or more within rural areas; and contains at least 1000 square feet of disturbed surface area.

C. Definitions

The definition of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM_{10}) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

D.1 Agricultural Operation Sites subject to Rule 806, Conservation Management Practices.

D.2 Recreational OHV Use Areas on public lands subject to Rule 800, General Requirements for Control of Fine Particulate Matter (PM_{10}).

E. Requirements

E.1 Open Areas: all Persons who own or otherwise have jurisdiction over an Open Area shall comply with one or more of the requirements of Section F.1 to comply with the conditions of a Stabilized Surface at all times and limit VDE to 20% opacity in accordance with U.S. EPA Test Method 9.

E.2 Vehicle use in Open Areas: within 30 days following initial discovery of evidence of trespass, a Person who owns or otherwise has jurisdiction over an Open Area shall prevent unauthorized vehicle access by posting "No Trespassing" signs or installing physical barriers such as fences, gates, posts, and/or appropriate barriers to effectively prevent access to the area.

E.3 Upon U.S. EPA notification that the Imperial County $PM_{2.5}$ Nonattainment Area has failed: (1) to meet Reasonable Further Progress in the 2018

Annual $PM_{2.5}$ SIP, (2) to meet a Quantitative Milestone in the 2018 Annual $PM_{2.5}$ SIP, and/or (3) to submit a Quantitative Milestone Report required under 40 CFR 51.1013(b), this rule shall apply to any open area having 0.5 acres or more within urban areas and all rural open areas; that contain at least 1000 square feet of a disturbed surface area.

F. Best Available Control Measures for Fugitive Dust (PM_{10})

F.1 OPEN AREAS

Any Combination of BACM and Alternative BACM is permissible.

F.1.a Apply and maintain water or dust suppressant(s) to all unvegetated areas.

F.1.b Establish vegetation on all previously disturbed areas.

F.1.c Pave, apply and maintain Gravel, or apply and maintain Chemical Stabilizers/Suppressants

F.1.d Implement Alternative BACM for exposed playa at the Salton Sea if approved by both the APCD and EPA. Alternative BACM may be approved by the APCD and EPA in accordance with a technical evaluation demonstrating that the proposed Alternative BACM achieves PM10 emission reductions equivalent to BACM measures identified in subsection F.1.a, F.1.b, and F.1.c and that the dust control method will achieve a STABILIZED SURFACE and meet the 20% opacity requirement in accordance with U.S. EPA Test Method 9.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

AFFIDAVIT OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Imperial

I am a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk* of the printer of the

Imperial Valley Press

a newspaper of general circulation, printed and published daily in the City of El Centro, County of Imperial and which newspaper has been adjudged a newspaper of genera circulation by the Superior Court of the County of Imperial, State of California, under the date of October 9, 1951, Case Number 26775; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

08/05 .

all in the year 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

SIGNATURE

Name of Account: I C CLERK - BOARD OF SUPERVISORS
Order Number: 11202758
Ad Number: 31432823

* Printer, Foreman of the Printer, or Principal Clerk of the Printer

Date: 6 th day of August, 2018.
at El Centro, California.

This space is for the County Clerk's Filling Stamp:

Proof of Publication of:

LEGAL ADVERTISEMENT
IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

NOTICE OF PUBLIC HEARING FOR ADOPTION OF PROPOSED NEW AND AMENDED RULES AND REGULATIONS OF IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

The Imperial County Air Pollution Control District Board of Directors will conduct a pub sider the adoption of proposed new and amended Air District Rules and Regulations:

REVISED RULES
RULE 101 Definitions
RULE 207 New and Modified Stationary Source Review
RULE 804 Open Areas

NEW RULES
RULE 428 Wood Burning Appliances
RULE 429 Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burnin

The hearing will be held as follows: 10:45 a.m., September 11, 2018, Board Chambers, County Administration Center, 940 Main St., El Centro, CA

The proposed new and amended rules and associated staff reports are availabl website at www.co.imperial.ca.us under "Air Pollution Control". Hard copy requests c ICAPCD office located at 150 South Ninth Street, El Centro, CA.

The public is invited to attend and be heard. The hearing will be conducted in accord cedures of the Imperial County Air Pollution Control District Board of Directors. If written comments are received more than five days before the hearing they will be inc Member's packets for this item. Comments should be addressed to the Imperial C Control District, at 150 S. 9th St., El Centro, CA 92243.

BLANCA ACOSTA
Clerk of the Board of Supervisors
County of Imperial, State of California

L216 Au5

AFFIDAVIT OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Imperial

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BLANCA ACOSTA
Clerk of the Board of Supervisors
County of Imperial, State of California

L216 Au5

DRAFT STAFF REPORT

For the Proposed Rule 428 – Wood Burning Appliances,
Rule 429 – Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning and
Revised Rule 804 – Open Areas.

September 11, 2018

I. BACKGROUND

On December 14, 2012, the United States Environmental Protection Agency (USEPA) promulgated a revision to the primary Annual Particulate Matter less than 2.5 microns in diameter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS)[1] and lowered the standard from 15 $\mu g/m^3$ to 12 $\mu g/m^3$ to provide increased protection against health effects associated with long- and short-term fine particle exposures. In April 2015, the USEPA classified a portion of Imperial County that includes the most populated area as a Moderate $PM_{2.5}$ nonattainment area for the 2012 Annual $PM_{2.5}$ NAAQS and required to develop a $PM_{2.5}$ SIP. On April 24, 2018, the Imperial County adopted the 2018 State Implementation Plan for the 2012 Annual $PM_{2.5}$ (2018 Annual $PM_{2.5}$ SIP) that demonstrates attainment of the 2012 Annual $PM_{2.5}$ NAAQS "but for" transport of international emissions from Mexicali, Mexico. Despite the challenges of geography, climate, and proximity to Mexico, air quality in Imperial County has improved except in the border area. The annual design values for El Centro and Brawley has improved with a general reduction in the annual average design value since 2001. However, in Calexico, air quality has not improved as much and remains above the federal annual average $PM_{2.5}$ standard of 12 $\mu g/m^3$.

The Imperial County Air Pollution Control District (District) takes a multifaceted and proactive approach to reducing $PM_{2.5}$ emissions in Imperial County. The District evaluated all potential opportunities to reduce direct emitted $PM_{2.5}$ emissions especially in the Calexico's $PM_{2.5}$ nonattainment area. Photochemical modeling conducted for the development of the 2018 Annual $PM_{2.5}$ SIP demonstrates that further reducing emissions from local sources will not advance attainment of the $PM_{2.5}$ NAAQS; however, it would be beneficial for improving public health. Clean Air Act requires that Moderate $PM_{2.5}$ nonattainment areas, as Imperial County, implement Reasonable Available Control Technology (RACT) for significant stationary sources and Reasonable Available Control Measures (RACM) for area sources within the nonattainment area. The District has implemented several generations of emissions control measures for stationary sources under its jurisdiction. The District evaluated the emissions from the top $PM_{2.5}$ stationary sources and assessed RACT for them. The District determined that the stationary sources located within the $PM_{2.5}$ nonattainment area had a RACT level of control. For RACM, the district evaluated the adequacy of its control measures on area sources of direct $PM_{2.5}$ by reviewing the USEPA Office of Air Planning and Standards

1 Federal Register Volume 78 Number 10 dated Tuesday, January 15, 2013 (78 FR 3086, January 15, 2013)

Menu of Control Measures (MCM). The MCM is a list that provides a broad set of emission reduction measures for different pollutants and source type. Each control measure was evaluated against existing district rules that address the same source. Based on this evaluation, it was determined that the district needed to implement a control measure for New Source Performance Standard (NSPS) for residential wood combustion. Thus, the District committed to implement a new measure addressing this source category as a part of the 2018 Annual $PM_{2.5}$ SIP.

In addition, USEPA $PM_{2.5}$ Implementation guidance requires the District to evaluate additional reasonable measures that could be implemented any time after the four-year period following designation through the end of the sixth calendar year after designation. Based on this guidance, the District identified a control measure to curtail residential wood combustion when 24-hour average $PM_{2.5}$ concentrations are forecasted to exceed 35 µg/m³ at Calexico. Therefore, the District has committed to adopt two new rules: one addressing NSPS requirements and a second one addressing USEPA guidance requirements. The proposed Rule 428, Wood Burning Appliances, will reduce $PM_{2.5}$ emissions from residential wood burning with a combination of regulatory controls and proposed Rule 429, Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning, would prohibit/curtail the combustion of wood or solid-fuel products in any wood-burning device within the city of Calexico during a curtailment period. Once these rules are implemented $PM_{2.5}$ reductions will occur, leading to decrease $PM_{2.5}$ concentrations in Calexico.

The proposed Rule 428 will encourage Imperial County residents to transition from older more polluting wood burning heaters and wood burning fireplaces (commonly called open-hearth fireplaces) to cleaner alternatives. In addition, the proposed Rule 429 would implement an episodic wood burning curtailment program that would prohibit operation of high polluting wood burning heaters and wood burning fireplaces during those days when the $PM_{2.5}$ concentrations are forecasted to be equal to or exceed 35 µg/m^3.

Contingency measures are a required element of a nonattainment area SIP and provide additional emission reductions in the event the area fails to meet Reasonable Further Progress (RFP). The District committed in the 2018 Annual $PM_{2.5}$ SIP, if the Imperial County fails to meet RFP requirements, the District will lower the curtailment threshold from 35 µg/m³ to 30 µg/m³ and the curtailment will apply to the entire county when air quality is forecasted to be unhealthy. Rule 429 contain a provision memorializing this commitment.

The District also committed to lower the applicability threshold for open rural areas subject to Rule 804, Open Areas, to meet contingency requirements in the 2018 Annual $PM_{2.5}$ SIP. Currently, Rule 804 requires dust control on rural areas over three acres. If Imperial County fails to meet RFP, the rural area threshold will be lowered to include all rural areas that contain at least 1000 square feet of disturbed surface area. This lowering of the applicability threshold would impose dust controls on an additional 529 rural acres in the Imperial County $PM_{2.5}$ nonattainment areas. The revised Rule 804 contains a provision memorializing this commitment.

In addition, on April 10, 2016, the District revised Rule 804 to allow development of innovative alternative dust control measures to reduce PM10 emissions from the exposed playa at the Salton Sea. The revised rule was immediately submitted to USEPA to be included in the Imperial County SIP and to make the revised rule federally enforceable. As a part of USEPA's final rule review process, the USEPA found some approvability issues. The USEPA is requesting that the District reviews this rule and request District and USEPA's approval of proposed alternative dust control measures for the Salton Sea before they can be approved as BACM. The District is proposing a review of Rule 804 to request District and USEPA approval of alternative dust control measures before they can be implemented as BACM.

The District is requesting approval and adoption of Rule 428, Wood Burning Appliances, Rule 429, Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning, revised Rule 804, Open Areas, and findings by the ICAPCD Board of Directors.

II. IMPORTANCE OF REDUCING RESIDENTIAL WOOD BURNING EMISSIONS

Particulate matter is a general term used to describe a complex group of airborne solid, liquid, or semi-volatile materials of various sizes and compositions. $PM_{2.5}$ is a complex mixture of many different species generated from a wide array of emission sources. $PM_{2.5}$ may be emitted directly into the air in a form of soot, smoke, or dust, or can be formed in the atmosphere as secondary particles from predominantly gaseous combustion by-product precursors, such as sulfur and nitrogen oxides (SO_X and NO_X), and volatile organic compounds (VOCs). The relative proportion of primary and secondary particulate matter (PM) in a given geographic area can vary widely depending upon such factors as the mix of sources in the area, the mix of PM precursors, and local meteorology. The relative mixture of these constituents in a region drives the nature of the need control strategy.

The District's $PM_{2.5}$ strategy has relied on concurrent reductions of $PM_{2.5}$ and precursor emissions from stationary, area, and mobile sources. Traditional regulatory controls are a core component of the District's multi-faceted strategies to reduce $PM_{2.5}$ emissions in Imperial County. The extreme air quality challenges of the border region demand that the District and the community take extraordinary measures to improve air quality and public health. The District continues making steady progress towards improving air quality and expeditious attainment of the 2012 Annual $PM_{2.5}$ standard. For instance in 2014, the $PM_{2.5}$ annual average at the Calexico monitor was 13.8 $\mu g/m^3$ however by 2016, the $PM_{2.5}$ annual average decreased by 10 percent or 12.5 $\mu g/m^3$. Most significant, in March 2017, the USEPA made a determination that the Imperial County 24-hour $PM_{2.5}$ nonattainment area attained the 2006 24-hour $PM_{2.5}$ NAAQS based on 2013-2015 ambient air quality data. In addition, ongoing collaborative efforts between the United States and Mexico are focused on air quality issues unique to the border region and are expected to enhance progress towards reducing concentrations of $PM_{2.5}$ in the area.

The Imperial County/Mexicali region's geography and meteorology exacerbate the formation and retention of high levels of air pollution. Imperial County experiences surface inversions almost every day of the year, caused by cooling of the air layer in contact with the cold surface of the earth (due to radiational cooling) at night. Because of strong surface heating during the day, these inversions are usually broken, allowing pollutants to disperse more easily. However, the presence of the North Pacific High pressure cell can cause the air to warm to a temperature higher than the air below. This highly stable atmospheric condition, termed a subsidence inversion, can act as a nearly impenetrable lid to the vertical mixing of pollutants. The strength of these inversions makes them difficult to disrupt. Consequently, they can persist for one or more days, causing air stagnation and the build-up of pollutants. This frequently leads to elevated concentrations of pollutants developing near the densely populated city of Mexicali, Mexico and then transporting north to impact the border city of Calexico and other areas of the County. It is during the winter that these days of stagnant weather lead to most of the exceedances of $PM_{2.5}$ NAAQS in the Imperial County.

Wood smoke contains $PM_{2.5}$ and an additional large number of ultrafine particles less than 0.1 microns (PM0.1). It is also a rich source of gases including carbon monoxide, formaldehyde, sulfur dioxide, irritant gases, and known and suspected carcinogens, such as polycyclic aromatic hydrocarbons. People can be exposed to wood smoke when they or their neighbors use their wood burning heaters, wood burning fireplaces, or outdoor wood burning devices. Windows and doors cannot keep the particles in wood smoke out of homes. These emissions occur during the evening time, when inversions are more likely to occur, thus increasing the potential impacts on air quality and human health. Proposed Rule 428 will encourage owners and users of older more polluting wood burning heaters and wood burning fireplaces to transition to less polluting alternatives. This transition would benefit air quality throughout the wood burning season regardless of episodic wood burning curtailments because clean wood burning heaters produce significantly less emissions then older more polluting wood burning heaters and wood burning fireplaces.

III. Proposed Rule 428, Wood Burning Appliances, Proposed Rule 429, Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning and Proposed Revised Rule 804, Open Areas.

A. Proposed Rule 428, Wood Burning Appliances

The following is a general discussion of the proposed Rule 428, Wood Burning Appliances

Section (A) - Purpose: the purpose of this rule is to limit emissions of particulate matter ($PM_{2.5}$) from wood burning appliances.

Section (B) - Applicability: This rule is applicable to any person who commercializes, operates or install indoor or outdoor wood burning appliances within the Imperial County $PM_{2.5}$ nonattainment area.

Section (C) - Definitions: This section defines 19 new terms used in the rule. Other terms applicable to this rule and not included in this rule are found in Rule 101, Definitions.

Section (D) - Exemptions: this section exempts devices that are fueled exclusively in gaseous fuels and cook stoves.

Section (E) - Requirements: Requirements in Section E.1.1 requires all new wood burning heaters that are sold, installed or transfer to be equipped with the cleanest wood burning heater available to ensure emissions continue to decrease from this source category. As such, this section requires that the wood burning heater must have the most stringent EPA certification as currently enforced by EPA. Section E.1.2 requires used wood burning appliances that are sold, installed, or transferred to comply with the same requirements of new devices. Section E.1.3 requires retailers to provide public awareness information to their customers about the proper installation, operation, maintenance, fuel selection of the device, as well as health effects from wood smoke. Section E.1.4 requires verification of compliance with EPA certification for all wood burning heaters during sell or transfer of real property. Section E.2 requires all wood burning appliances to be install and operated according to manufacturer's specifications. Section E.3 list the type of fuels that are allow in indoor or outdoor wood burning appliances. Section E.4 requires all wood burning appliances to be installed according to manufacturer's specifications and requires appliances to comply with 20 percent visible emissions.

B. Proposed Rule 429, Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning.

Section (A) - Purpose: As stated earlier, the purpose of this rule is to limit emissions of particulate matter ($PM_{2.5}$) from wood burning appliances.

Section (B) - Applicability: This section states that this rule is applicable to any person who commercializes, operates or install indoor or outdoor wood burning appliances within the Imperial County $PM_{2.5}$ nonattainment area. The mandatory episodic curtailment of wood shall take effect on January 1, 2020.

Section (C) - Definitions: This section defines six new terms used in the rule. Other terms applicable to this rule and not included in this rule are found in Rule 101, Definitions.

Section (D) - Exemptions: this rule exempts devices that are fueled exclusively in gaseous fuels and cook stoves.

Section (E) - Mandatory Wood Burning Curtailment: Section E.1 requires to declare a mandatory wood burning curtailment for the Calexico Area (geographical area under Zip Code 92231) when the 24-hour average $PM_{2.5}$ concentrations are forecast to exceed 35 µg/m3 at the Calexico monitoring station. No wood burning heaters, wood burning fireplaces, or outdoor wood burning devices located in the region shall be operated during an episodic curtailment. Section E.2 would lower the current curtailment threshold limit of 35 µg/m3 to 30 µg/m3 and extend it to all Imperial County if the Imperial County fails to meet Reasonable Further Progress requirements as discussed in the 2018 Annual $PM_{2.5}$ SIP.

Section (F) - Mandatory Wood Burning Curtailment Notice: this section lists the methods that the ICAPCD will utilize to notify the public of an episodic wood burning curtailment will take place: local newspaper, radio and television, ICAPCD website, etc.

C. Proposed Revised Rule 804, Open Areas.

Section (E) - New Section E.3 would clarify that the requirements of this rule would be applicable to all rural areas that contain at least 1000 square feet of disturbed surface area if the Imperial County fails to meet Reasonable Further Progress requirements as discussed in the 2018 Annual $PM_{2.5}$ SIP.

Section (F) - Subsection F.1.d was amended to require APCD and EPA approval of alternative dust control measures for the Salton Sea before these the dust control measures can be implemented as BACM.

Section (G) - Deleted. This Section was combined with Subsection F.1.d.

IV. ENVIRONMENTAL ASSESSMENT

Pursuant to §15061 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), District staff analyzed the likely environmental impacts of the newly proposed Rules 428 and 429 and the revisions to Rule 804. Proposed Rules 428, 429, and revisions to Rule 804 are considered a project under CEQA. The intent of this project is to reduce $PM_{2.5}$ emissions from residential wood burning with a combination of regulatory controls and prohibit/curtail the combustion of wood or solid-fuel products in any wood-burning device within the city of Calexico during a curtailment period. Once these rules are implemented $PM_{2.5}$ reductions will occur, leading to decrease $PM_{2.5}$ concentrations in the Imperial County $PM_{2.5}$ Nonattainment area. No significant adverse environmental impacts from the application of any of the control techniques proposed in these rules have been identified with respect to earth,

water, plant, and animal life, noise levels, light and glare, or the use of land and natural resources. Rule changes will improve clarity and assure SIP approval. Therefore, staff has determined that it can be seen with certainty that there is no possibility that the adoption of the proposed Rule 428 and Rule 429 and revisions to Rule 804 may have a significant adverse effect on the environment. Thus, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines §15061 (b)(3). Furthermore, the proposed project is categorically exempted from CEQA because the proposed amendments, if implemented, are considered actions to protect or enhance the environment pursuant to CEQA Guidelines §15308. Based on the information provided above, District staff concluded that proposed Rules 428, 429, and revisions to Rule 804 will not have any significant adverse effect on the environment. The District will file a Notice of Exemption under the provisions of California Code of Regulations §15061(b)(3). The Notice of Exemption will claim a categorical exemption as the purpose of the rules is to enhance the environment and public health.

V RULE DEVELOPMENT PROCESS

After several months of cooperative and coordinated efforts between the ICAPCD, CARB and USEPA, the ICAPCD prepared and released a draft version of the proposed Rules 428 and 429 for review by the respective agencies on June 8, 2018. The proposed rules addressed and included all comments by the agencies.

A public notice for a public workshop inviting the community to review and comment on the proposed Rules 428 and 429 and revisions to Rule 804 was published in the Imperial County local newspaper of greatest circulation, the Imperial Valley Press, on August 12, 2018 (English). In addition, a second public notice was published in El Sol Del Valle, on August 10, 2018 (Spanish), with a simultaneous publication on the ICAPCD's website.

ICAPCD staff conducted a public workshop to present, discuss and take comments on the proposed Rules 428 and 429 and revisions to Rule 804. The workshop was held in the late afternoon in Calexico on August 16, 2018. The ICAPCD considered written comments received from the public and affected sources during the public workshop and incorporated comments into the proposed rules as appropriate.

A public notice for a Public Hearing inviting the community to review and comment on the proposed rules was published in the Imperial County local newspaper of greatest circulation, the Imperial Valley Press, on August 5, 2018, and simultaneously on the ICAPCD's website. Adoption by our Governing Board is scheduled for September 11, 2018, after which the proposed rules will be forwarded to the CARB for inclusion in the Imperial County's State Implementation Plan (SIP).

VI RECOMMENDATIONS

A. APCD ADVISORY BOARD

The Air Pollution Control District Advisory Board met to discuss the proposed Rules on August 23, 2018. The APCD Advisory Board recommended the approval of the proposed rules, the staff report and its findings.

B. STAFF RECOMMENDATION

ICAPCD staff recommends the adoption of the proposed Rule 428, Wood Burning Appliances, Rule 429, Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning, Rule 804, Open Areas, and findings by the ICAPCD Board of Directors. After considering public comments at today's hearing, District staff recommends that this Air Board determine that the adoption of proposed rules exempt from CEQA and adopt these rules for inclusion in the Imperial County's State Implementation Plan (SIP).

VII DECLARATION OF FINDING

The Imperial County Air Pollution Control District Board hereby finds as follows:

The adoption of the proposed rules for the Imperial County, is considered a project within the meaning of Section §21065 of the California Environmental Quality Act (CEQA).

The adoption of the staff report and its findings are exempt from the requirements of Public Resources Code Section 21000 et seq. under the CEQA Guidelines, in the California Code of Regulations Section 15061 (b)(3).

The ICAPCD is a regulatory agency and the public agency with the principle responsibility for carrying out projects related to air pollution and the control thereof.

Clean air is a valuable and essential natural resource.

The proposed rules will serve to reduce the amount of attainment air pollutants introduced into the ambient air.

The adoption of the proposed rules will serve to enhance and protect the environment by controlling air pollutant sources.

There has been no evidence presented to suggest that the implementation of the proposed rules, the staff report or its findings will have an adverse effect on the environment.

There has been no evidence presented to suggest that the implementation of the proposed rules, the staff report and its findings will lead to or result in cumulative adverse impacts.

Health and Safety Code §40702 provides the authority to the District to enact and adopt the proposed Rules.

The requirements of the proposed rules, the staff report and its findings are clear and capable of being understood by those persons directly affected by it.

The proposed rules, the staff report and its findings do not conflict with or contradict any existing statute, court decision, or state or federal regulation.

The requirements of the proposed rules, the staff report and its findings are not duplicative of any existing state or federal regulation.

The proposed rules, the staff report and its findings described herein will not significantly affect air quality or emissions limitations and therefore is exempt from California Health and Safety Code section §40728.5 (d), which requires a socioeconomic impact analysis of the proposed action to be performed.

The Imperial County has a population of less than 500,000 people.

From:	Withycombe, Earl@ARB
To:	Reyes Romero
Cc:	Monica Soucier; Tasat, Webster@ARB; Melgoza, Elizabeth@ARB
Subject:	Comments on Rules 428 and 429
Date:	Tuesday, August 28, 2018 2:18:45 PM
Attachments:	EW comments on Rule 428 180824.docx EW comments on Rule 429 180824.docx

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Reyes,

Attached are the comments on Draft Rules 428 and 429 that I mentioned during our conference call on August 22 (as I recall).

Please contact me if you have any questions on these comments.

Thanks.

Earl

~~~~~~~~~~~~~~~~~~~~~~~~~
Earl Withycombe
Air Resources Engineer
California Air Resources Board
Voice: 916-322-8487
Email: earl.withycombe@arb.ca.gov
~~~~~~~~~~~~~~~~~~~~~~~~~

Imperial County Air Pollution Control District'

Draft Rule 428 – Wood Burning Appliances

Informal Comments

August 24, 2018

Section B.1: Since chimeneas, as sold in the United States (https://www.pier1.com/fire-pits-chimeneas) are portable wood burning devices, the limitation of this rule to "permanently installed" appliances would exclude chimeneas. This exclusion does not appear to be intentional, as chimeneas are included in Definition C.5 – Outdoor Wood Burning Device. To make the draft rule internally consistent, I recommend that the phrase "permanently installed" be removed in this section and in Section C.12.

Section C.10: Since the moisture content in wood is reported on either dry basis weight or wet basis weight in commerce, research, and regulation, I recommend adding the phrase "dry basis" to this definition so that it reads:

> "SEASONED WOOD: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by dry basis weight, as determined by Current version of ASTM Test Method D 4442-92."

Section E.3.1: Similarly, I recommend adding the phrase "dry basis" to this subsection so that it reads:

> "E.3.1. Seasoned wood (less than 20% moisture content dry basis)."

Section E.4.1: I recommend substituting the word "any" for the word "and" in the third line of this subsection so that the second sentence reads:

> "No wood burning appliance shall be altered, installed, or disassembled in ~~and~~ any way not specified by the manufacturer, or operated in a manner that could result in additional emissions."

Imperial County Air Pollution Control District'

Draft Rule 429 – Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning

Informal Comments

August 24, 2018

Section C.3: Since chimeneas, as sold in the United States (https://www.pier1.com/fire-pits-chimeneas) are typically portable wood burning devices, the limitation of this rule to "permanently installed" appliances would exclude chimeneas. I recommend that the phrase "permanently installed" be removed in this section so that chimeneas are regulated by this curtailment rule.

Imperial County Air Pollution Control District

Draft Rule 428 – Wood Burning Appliances

CARB Informal Comments

August 24, 2018

The Imperial County Air Pollution Control District (District) response follows the outlined on your letter of August 24, 2018.

Comment #1

Section B.1: Since chimeneas, as sold in the United States (https://www.pier1.com/fire-pits-chimeneas) are portable wood burning devices, the limitation of this rule to "permanently installed" appliances would exclude chimeneas. This exclusion does not appear to be intentional, as chimeneas are included in Definition C.5 – Outdoor Wood Burning Device. To make the draft rule internally consistent, I recommend that the phrase "permanently installed" be removed in this section and in Section C.12.

District Response: The intent of proposed Rule 428 is to reduce $PM_{2.5}$ emissions from residential wood burning appliances by requiring use of USEPA-Certified wood burning appliances. The proposed Rule 428 will encourage Imperial County residents to transition from older more polluting wood burning heaters and wood burning fireplaces to cleaner alternatives. Since there are no cleaner alternatives (US EPA Certified) for chimeneas, the District will limit operation of non-permanently installed wood burning appliances by limiting operation of this type of appliances (chimeneas) through proposed Rule 429.

Comment #2

Section C.10: Since the moisture content in wood is reported on either dry basis weight or wet basis weight in commerce, research, and regulation, I recommend adding the phrase "dry basis" to this definition so that it reads:

"SEASONED WOOD: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by dry basis weight, as determined by Current version of ASTM Test Method D 4442-92."

Section E.3.1: Similarly, I recommend adding the phrase "dry basis" to this subsection so that it reads:

"E.3.1. Seasoned wood (less than 20% moisture content dry basis)."

District Response: the definition of Seasoned Wood has been reviewed to add the phrase "dry basis", similarly Section E.3.1.

Comment #3

Section E.4.1: I recommend substituting the word "any" for the word "and" in the third line of this subsection so that the second sentence reads:

"No wood burning appliance shall be altered, installed, or disassembled in ~~and~~ any way not specified by the manufacturer, or operated in a manner that could result in additional emissions."

District Response: Section E.4.1 has been reworded as recommended.

Imperial County Air Pollution Control District

Draft Rule 429 – Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning

CARB Informal Comments

Comment #1

Section C.3: Since chimeneas, as sold in the United States (https://www.pier1.com/fire-pits-chimeneas) are typically portable wood burning devices, the limitation of this rule to "permanently installed" appliances would exclude chimeneas. I recommend that the phrase "permanently installed" be removed in this section so that chimeneas are regulated by this curtailment rule.

District Response: Section C.3 has been reworded as recommended.

From:	Vineyard, Christine
To:	Reyes Romero
Cc:	Withey, Charlotte; Vagenas, Ginger; Lo, Doris
Subject:	Imperial County APCD Rules 428, 429, 804
Date:	Tuesday, August 28, 2018 11:25:32 AM
Attachments:	Draft RULE 429 (June 8 2018)_cw comments.docx

Hello Reyes,

Below are our comments on rules 804, 428, and 429. Please let me know if you have comments or concerns.

Rule 804—Open Areas:

- E.1. and E.3. These sections contain requirement to limit VDE to 20% opacity. Therefore, a reference to EPA Test Method 9 should be included to determine compliance.

Rule 428—Wood Burning Appliances:

- E.4.2. A reference to EPA Test Method 9 should be included to determine compliance with the 20% opacity limit.

Rule 429—Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning:

- See attached file

Please do not hesitate to give me a call at (415) 947-4125, if you have any questions or concerns.

Thanks

Christine

Christine Vineyard
U.S. Environmental Protection Agency
Rulemaking Office, Air Division
US EPA (AIR-4) | 75 Hawthorne St. | San Francisco, CA 94105
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RULE 429 MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING
(Adopted - XX/XX/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

B.1 This rule applies to any person who operates a ~~permanent installed, indoor or outdoor,~~ Wood Burning Appliance in Imperial County.

B.2 The provisions of this rule shall take effect on January 1, 2020.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 CALEXICO AREA: the geographical area under Zip Code 92231.

C.2 CURTAILMENT: Any day during the wood burning season so declared to the public by the APCO when the District forecasts that 24-Hour average levels of particulate matter of 2.5 microns in size or less ($PM_{2.5}$) is forecast to exceed 35 µg/m^3 at the Calexico monitor.

~~C.3 CONTINGENCY CURTAILMENT: Any day during the wood burning season so declared to the public by the APCO when 24-Hour average levels of $PM_{2.5}$ is forecast to exceed 30 µg/m^3 at any of the Imperial County $PM_{2.5}$ monitors.~~

~~C.4~~C.3 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled wood heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).

~~C.5~~C.4 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled wood heater, or wood burning fireplace insert).

~~C.6~~C.5 WOOD BURNING SEASON: for purposes of this rule, the months of November, December, January, and February.

~~C.7~~C.6 2018 ANNUAL $PM_{2.5}$ SIP: Imperial County 2018 Annual Particulate Matter Less Than 2.5 Microns in Diameter State Implementation Plan.

D Exemptions

The following devices are exempt from the provisions of this rule:

Commented [A1]: These elements are already included in the definition of wood burning appliance

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D.1 Devices that are exclusively gaseous-fueled.
D.2 Cookstoves, as defined in 40 CFR section 60.531.
D.3 ~~The provisions of Section E shall not apply to any person who has an approved Hardship Waiver pursuant to Section E.3.~~Any wood burning appliance located where natural gas service is not available. For the purposes of this rule, propane and butane are not considered natural gas.
~~D.3~~D.4 Any wood burning appliance that is the sole available source of heat in a residence. This includes times of temporary service outages, as determined by the gas or electrical utility service.

E. Mandatory Wood Burning Curtailment

This section shall be in effect annually during the Wood Burning Season.

E.1 ~~Mandatory Wood Burning Curtailment.~~ The APCO shall declare a ~~Mandatory~~ mandatory ~~Wood~~ wood ~~Burning~~ burning ~~Curtailment~~ curtailment for the Calexico Area whenever the District forecasts that the 24-hour average $PM_{2.5}$ concentration will exceed 35 µg/m³ at the Calexico monitoring station.
E.2 ~~Contingency Curtailment.~~ Upon U.S. EPA notification that the Imperial County $PM_{2.5}$ Nonattainment Area has failed to meet one or more of the Reasonable Further Progress requirements as discussed in the 2018 Annual $PM_{2.5}$ SIP, the APCO shall declare a mandatory wood burning curtailment for all of Imperial County ~~threshold will be lowered~~ whenever the District forecasts that the 24-hour average $PM_{2.5}$ concentration will exceed 30 µg/m^3 at any of the $PM_{2.5}$ monitors in Imperial County ~~and the curtailment area would expand to include all of Imperial County~~.
E.3 No person shall operate any wood burning appliance during a mandatory wood burning curtailment, unless the wood burning ~~fireplaces and wood heaters are~~appliance is subject to one or more of the exemptions in section D.
~~E.3.1 Located where natural gas service is not available. For the purposes of this rule, propane and butane are not considered natural gas, or~~
~~E.3.2. Those for whom a wood burning fireplace or wood heater is the sole available source of heat in a residence. This includes times of temporary service outages, as determined by the gas or electrical utility service.~~

~~Mandatory Wood Burning Curtailment Notice.~~~~Administrative Requirements~~

F.1 ~~Episodic Wood Burning Curtailment Notice.~~ The APCO shall notify the public of each ~~Mandatory~~ mandatory ~~Wood~~ wood ~~Burning~~ burning ~~Curtailment~~ curtailment by any of the following methods:
F.1.1 Provide notice to newspapers of general circulation within the

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Imperial Valley.

F.1.2 Broadcast of messages presented by radio or television stations operating in the Imperial Valley.

F.1.3 A recorded telephone message for which the telephone number is published.

F.1.4 Messages posted on the Air Pollution Control District's website.

F.1.5 On the Imperial Valley forecasting website and the mobile app "Imperial Valley Air Quality".

F.1.6 Any other method as the APCO determines is appropriate.

Axel Salas

From: Axel Salas
Sent: Wednesday, August 29, 2018 12:01 PM
To: 'Christine Vineyard'
Cc: Reyes Romero; 'withey.charlotte@epa.gov'; 'vagenas.ginger@epa.gov'; 'lo.doris@epa.gov'; Monica Soucier
Subject: Response to US EPA Comments
Attachments: Draft RULE 429 (June 8 2018)_cw comments.docx

From: Vineyard, Christine <Vineyard.Christine@epa.gov>
Sent: Tuesday, August 28, 2018 11:25 AM
To: Reyes Romero <ReyesRomero@co.imperial.ca.us>
Cc: Withey, Charlotte <Withey.Charlotte@epa.gov>; Vagenas, Ginger <Vagenas.Ginger@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>
Subject: Imperial County APCD Rules 428, 429, 804

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Rule 804—Open Areas:

- E.1. and E.3. These sections contain requirement to limit VDE to 20% opacity. Therefore, a reference to EPA Test Method 9 should be included to determine compliance.

A reference to US EPA Test Method 9 has been added to sections E.1 and E.3 of Rule 804 – Open Areas.

Rule 428—Wood Burning Appliances:

- E.4.2. A reference to EPA Test Method 9 should be included to determine compliance with the 20% opacity limit.

A reference to US EPA Test Method 9 has been added to section E.4.2 of Rule 428 – Wood Burning Appliances.

Rule 429—Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning:

- See attached file

After reviewing US EPA comments for Rule 429, it was noted that these particular comments were made on an older version of Rule 429. The current version of Rule 429 already incorporated and addressed all concerns outlined by US EPA.

Please do not hesitate to give me a call at (415) 947-4125, if you have any questions or concerns.

Thanks

Christine

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Rulemaking Office, Air Division
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Vineyard.christine@epa.gov

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- E.4.2. A reference to EPA Test Method 9 should be included to determine compliance with the 20% opacity limit.

A reference to US EPA Test Method 9 has been added to section E.4.2 of Rule 428 – Wood Burning Appliances.

Rule 429—Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning:

- See attached file

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RULE 101 DEFINITIONS

(Adopted 7/28/81; Revised 9/14/99; 1/16/2001; 12/11/2001; 08/13/02; 01/11/2005; 10/10/2006; 02/23/2010; 10/22/2013; 2/9/2016; 09/11/2018)

Except where the context otherwise indicates, the following definitions shall govern the implementation of these Rules and Regulations. Also, pursuant to Rule 115, definitions contained in applicable sections of the California Health and Safety Code and Title 17 of the California Code of Regulations, as well as the Federal Clean Air Act and implementing regulations, may be used even when not set forth herein.

ACCELERATED VEHICLE RETIREMENT PROGRAM: a program creating Actual Emission Reductions by the accelerated retirement of on-road motor vehicles for purposes of establishing Mobile Source Emission Reduction Credits (MSERC) pursuant to Rule 214.1.

ACTUAL EMISSIONS: measured or calculated emissions, which most accurately represent the emissions from an Emissions Unit. Determination of Actual Emissions must be based on average actual production rates, fuel consumption and/or throughput rates from the last consecutive 24 months. Emission factors shall be established by Source testing or obtained from AP-42 or other approved sources.

ACTUAL EMISSIONS REDUCTIONS (AER): reductions of Actual Emissions from an Emissions Unit, calculated pursuant to Section E.2 of Rule 207, which are Real, Quantifiable, Surplus, Permanent and Enforceable.

ACTUAL INTERRUPTIONS OF POWER: the interruption of electrical service by an unforeseeable event.

ADDITIVE: any substance added in small quantities to another substance or mixture in order to increase volume and/or change the physical properties of the mixture.

ADHESION PROMOTER: a Coating, which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent Coatings, and on which, a subsequent Coating is applied.

ADHESIVE: any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

ADHESIVE BONDING PRIMER: a Coating applied in a very thin film to aerospace adhesive bond detail components for corrosion inhibition and adhesion of the subsequently applied adhesive.

ADHESIVE BONDING PRIMER, STRUCTURAL: an adhesive bonding primer used in conjunction with structural adhesives to form load carrying aircraft components.

ADHESIVE BONDING PRIMER FOR ELASTOMERS AND ELASTOMERIC ADHERENTS: an adhesive bonding primer applied to elastomers or nonmetallic substrates for adhesion of the subsequently applied adhesive.

ADMINISTRATOR: the Administrator of the United States Environmental Protection Agency (US EPA).

AEROSPACE COMPONENT: any fabricated part, assembly of parts or completed unit of any aircraft, helicopter, missile or space vehicle.

AEROSOL COATING PRODUCT: a pressurized Coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand held application, or for use in specialized Equipment for ground traffic/marking applications.

AFFECTED POLLUTANTS: pollutants for which an Ambient Air Quality Standard (AAQS) have been established by the United States Environmental Protection Agency (US EPA) or the California Air Resources Board (CARB) and the Precursors to such pollutants, and those pollutants regulated by the US EPA under the Clean Air Act (CAA) or by the CARB under the Health and Safety Code (H&SC), except for greenhouse gases and hazardous air pollutants, including but not limited to Volatile Organic Compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}), Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers ($PM_{2.5}$), carbon monoxide (CO), lead, fluorides, sulfuric acid mist, hydrogen sulfide, and total reduced sulfur compounds. The term *Affected Pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, and which have not been delisted pursuant to Section 112(b)(3) of the CAA, unless the listed hazardous air pollutant is also regulated as a constituent or Precursor of a general pollutant listed under Section 108 of the CAA**.**

AGRICULTURAL BURNING: open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

AGRICULTURAL BURNING: also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.

AGRICULTURAL BURNING: also means open outdoor fires used in wild land vegetation management burning. Wild land vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or

accidental ignition.

AGRICULTURAL SOURCE: means a Source of air pollution or a group of Sources used in the production of crops, or the raising of fowl or animals located on Contiguous Property under common ownership or control that meets any of the following criteria;

1. is a Confined Animal Facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

2. is an Internal Combustion Engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the Health & Safety Code except an engine that is used to propel implements of husbandry.

3. is a Title V Source, or is a Source that is otherwise subject to regulation by the District or the Clean Air Act.

AIR CONTAMINANT: any discharge, release, or other propagation into the Atmosphere and includes, but is not limited to, smoke, charred paper, Dust, soot, grime, carbon, fumes, gases, odors, Particulate Matter, acids, or any other combination thereof. For the purposes of Rule 403, the definition applies only to materials which are solid or liquid at Standard Conditions (60 degrees Fahrenheit, 760 mm Hg).

AIR POLLUTION CONTROL OFFICER (APCO): the person appointed by the Air Pollution Control Board and assigned to manage and direct the business and operations of the District, or their designee.

ALTERNATIVE FUEL: any fuel used for certifying a low emission vehicle, other than gasoline or diesel fuel.

ALUMINUM ROOF COATING: a Coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of Coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with South Coast Air Quality Management District (SCAQMD) Method 318-95, incorporated by reference in Rule 424, subsection G.5.d.

AMBIENT AIR QUALITY STANDARDS: for the purposes of these regulations an Ambient Air Quality Standard (AAQS) shall be interpreted to include State and National AAQS. For the purposes of submittal of this Rule to the US EPA for inclusion in the California State Implementation Plan (SIP) all references in this Rule to AAQS shall be

interpreted as National AAQS.

ANNUAL CAPACITY FACTOR (ACF): means the ratio of the amount of fuel burned by a unit in a calendar year to the amount of fuel it could have burned if it had operated at the heat input rating for 8,760 hours during the calendar year.

ANTENNA COATING: a Coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

ANTIFOULING COATING: a Coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling Coating, the Coating must be registered with both the US EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code. Subsection 135, *et seq.*) and with the California Department of Pesticide Regulation. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

ANTI-GLARE/SAFETY COATING: a Coating which does not reflect light.

APPLICATION EQUIPMENT: for the purposes of Rule 425, means Equipment used for applying Coating to a substrate. Application Equipment includes Coating distribution lines, Coating hoses, equipment used in hand application methods, and equipment used in mechanically operated application methods, including but not limited to spray guns, spinning disks, and pressure pots.

APPROVED IGNITION DEVICES: includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, and flares, but does not include the use of tires, tar paper, oil, and other similar materials.

APPURTENANCES: any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

ARCHITECTURAL COATINGS: a Coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are

not considered Architectural Coatings for the purposes of this Rule.

ASPHALT: the dark-brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are b Bitumens which occur naturally or as a residue of petroleum refining.

ASSEMBLY LINE: an arrangement of industrial Equipment and workers in which the product passes from one specialized operation to another until complete, by either automatic or manual means.

ASSOCIATED PARTS AND COMPONENTS: structures, devices, pieces, modules, sections, assemblies, subassemblies, or elements of motor vehicles or mobile equipment that are designed to be a part of motor vehicles or mobile Equipment but which are not attached to motor vehicles or mobile Equipment at the time of Coating the structure, device, piece, module, section, assembly, subassembly, or element. “Associated Parts and Components” does not include circuit boards.

ATMOSPHERE: the air that envelopes or surrounds the earth. When air pollutants are emitted into or within a building, such emission into or within the building shall be considered an emission into the Atmosphere unless the building is designed specifically as a piece of air pollution control equipment.

AUTHORITY TO CONSTRUCT: a written permit issued by the District for the Construction, installation, assembly, Modification, or replacement of any facility, article, machine, Equipment, or other contrivance.

AUTOMOTIVE COATING: any Coating or Coating component used or recommended for use in Motor Vehicle or Mobile Equipment Refinishing, service, maintenance, repair, restoration, or Modification, except metal plating activities. Any reference to automotive Refinishing or Automotive Coating made by a Person on the container or in product literature constitutes a recommendation for use in Motor Vehicle or Mobile Equipment Refinishing.

AUTOMOTIVE COATING COMPONENT: any portion of a Coating, including, but not limited to, a Reducer or thinner, toner, hardener, and Additive, which is recommended by any Person to distributors or end-users for use in an Automotive Coating, or which is supplied for or used in an Automotive Coating. The raw materials used to produce the components are not considered Automotive Coating Components.

AUTOMOTIVE REFINISHING FACILITY: any shop, business, location, or parcel of land where Motor Vehicles or Mobile Equipment or their associated parts and components are coated including auto body collision repair shops. “Automotive Refinishing Facility” does not include the original Equipment manufacturing plant where the Motor Vehicle or Mobile Equipment is completely assembled.

BANKING: the District's system of quantifying, certifying, recording, and storing Emission Reduction Credits for future use or Transfer. This system shall be called Emission Reduction Credit Banking or Mobile Source Emission Reduction Credit.

BANKING REGISTER: the document that records all Emission Reduction Credits deposits, withdrawals, Transfers, and transactions.

BASEMENT SPECIALTY COATING: a clear or opaque Coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:

1. Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-04, which is incorporated by reference in Rule 424, subsection G.5.n.

2. Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-00 and ASTM D3274-95, incorporated by reference in Rule 424, subsection G.5.t.

BEEF FEEDLOT: a lot, fenced area, or facility used for the feeding or holding of more than ten (10) cattle, except for Grazing Land as defined herein.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT): for any Emissions Unit the more stringent of:

1. the most effective emission Control Device, emission limit, or technique which has been achieved in practice for such class or category of Source.

2. any other alternative emission Control Device, emission control technique, basic Equipment, fuel, or process determined to be technologically feasible and cost-effective by the APCO. Cost-effectiveness analyses shall be performed in accordance with methodology and criteria specified in the Best Available Control Technology Guideline for the South Coast Air Quality Management District, or an alternative methodology and criteria acceptable to the APCO.

3. under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of law or regulation of the District, State and federal government, or the most stringent emissions limitation which is contained in the implementation plan of any State, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not technologically achievable. In no event shall the application of BACT result in the emissions of any pollutant which exceeds the emissions allowed by any applicable New Source Performance Standard (40 CFR, part 60) or National Emission Standard for Hazardous Air Pollutants (40 CFR, part 61 or part 63).

BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY (BARCT): the most stringent and cost effective of the following control options:

1. the most effective elements of the related suggested control measure.

2. the most effective limits in effect in any regulation in California, in the United States, or in any other country for that Source category with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.

3. the most effective limit for Source category determined to a reasonable degree of certainty, to be achievable in the near future.

4. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

BIOMASS: material derived from the harvesting of crops or removal of vegetation, including timber, except for material from processed dimensional timber.

BITUMENS: black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

BITUMINOUS ROOF COATING: a Coating which incorporates Bitumens that is labeled and formulated exclusively for roofing.

BITUMINOUS ROOF PRIMER: a Primer which incorporates Bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

BOARD: the Air Pollution Control Board of the Imperial County Air Pollution Control District.

BOILER OR STEAM GENERATOR: means any combustion Equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. “Boiler” or “Steam Generator” shall not include waste heat recovery Boilers that are used to recover heat from the exhaust of Stationary Gas Turbines or Internal Combustion Engines, or any unfired waste heat recovery Boiler that is used to recover sensible heat from the exhaust of any combustion Equipment.

BOND BREAKER: a Coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

BOTTOM LOADED: a Gasoline Delivery Vessel shall be considered to be Bottom Loaded when the fuel transfer and vapor return lines have separate, independent, and dedicated attachments on the delivery vessel, when the inlet is flush with the bottom of the storage device, and when the delivery vessel hatches remain closed during fuel transfer.

BREAKDOWN: an unforeseeable failure or malfunction of 1) any air pollution control Equipment, or related operating Equipment, which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or 2) any monitoring Equipment, where such failure or malfunction is not the result of neglect or disregard of any air pollution control law or rules or regulations, is not intentional or the result of negligence, is not the result of improper maintenance, does not constitute a nuisance, and is not a recurrent breakdown of the same Equipment.

BRITISH THERMAL UNIT (Btu): means the amount of heat required to raise the temperature of one pound of water from 59F to 60F at one Atmosphere.

BURN DAY: any day on which Agricultural Burning is not prohibited by the Air Resources Board and/or the Imperial County Air Pollution Control District.

CALIFORNIA AIR RESOURCES BOARD (CARB): the California Air Resources Board or any Person authorized to act on its behalf.

CAMOUFLAGE COATING: a Coating applied on Motor Vehicles, or Mobile Equipment to conceal such vehicles or Equipment from detection and/or to provide resistance to chemical agents.

CARB CERTIFIED VAPOR RECOVERY SYSTEM: is any Phase I or Phase II Vapor Recovery System which has been certified by the California Air Resources Board pursuant to Section 41954 of the California Health and Safety Code.

CARGO CARRIERS: Cargo Carriers are trains dedicated to a specific Stationary Source. For purposes of this Rule, the term "trains dedicated to a specific Stationary Source" shall not include any train for which the prime mover is owned and operated by a common carrier, and by which cargo is delivered to or from the Stationary Source under a contract of common carriage. The emissions from all trains dedicated to a specific Stationary s Source, while operating in the District, including directly emitted and Fugitive Emissions, shall be considered as emissions from the Stationary Source.

CATALYST: a substance whose presence initiates/enhances the reaction between chemical compounds.

CERTIFICATE: a District issued document specifying information regarding an ERC/MSERC/ABERC including but not limited to the legal owner(s), certificate identification number, date of issuance, pollutant(s) reduced, type of pollutant, quantity

of Actual Emission Reduction, time period for which the ERC/MSERC/ABERC is Valid and any other records as may be required as a condition of ERC/MSERC/ABERC issuance.

CLASS I AREA: any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I inn the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore.

CLEAN AIR ACT (CAA): the Federal Clean Air Act (42 United States Code section 7401 et seq.) and implementing regulations. (see also Federal Clean Air Act)

CLEANING OPERATIONS: the removal of loosely held uncured Adhesives, inks, Coatings, or contaminants, including, but not limited to, dirt, soil, or grease, from m Motor Vehicles, Mobile Equipment, associated parts and components, substrates, parts, products, tools, machinery, Equipment, or general work areas.

CLEAR BRUSHING LACQUERS: clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush, and which are labeled as specified in Rule 424, subsection E.6. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

CLEAR COATING: any Coating that contains no pigments and is labeled and formulated for application over a color Coating or clear Coating.

CLEAR WOOD COATINGS: clear and semi-transparent Coatings, including Lacquers and Varnishes, applied to Wood Substrates, to provide a transparent or translucent solid film. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

COATING: a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to paints, Varnishes, sealers, and Stains. For purposes of Rule 427, Coating shall mean a material which is applied to a surface and forms a film in order to beautify, preserve, repair, or protect such a surface.

CODE OF FEDERAL REGULATIONS (CFR): the United States document codifying federal regulations.

COLD CLEANER: any batch loaded, non-boiling Organic Solvent Degreaser.

COLORANT: a concentrated pigment dispersion in water, Solvent, and/or binder that is added to an Architectural Coating after packaging in sale units to produce the desired color.

COLOR COATING: any pigmented Coating, excluding Adhesion Promoters, primers, and Multi-Color Coatings, that requires a subsequent Clear Coating and which is applied over a Primer, Adhesion Promoter, or Color Coating. Color Coatings include metallic/iridescent Color Coatings.

COLOR MATCH: the ability of a repair Coating to blend into an existing Coating so that color difference is not visibly detectable.

COMBUSTIBLE REFUSE: any solid or liquid combustible waste material containing carbon in a free or combined state.

COMBUSTION CONTAMINANT: solid or liquid particles discharged into the Atmosphere from the burning of any kind of material containing carbon in a free or combined state.

COMPLETE APPLICATION: completeness of an application for an Authority to Construct a new or modified Emissions Unit shall be evaluated on the basis of a list of required information which has been adopted by the District.

CONCRETE CURING COMPOUND: a Coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

1. retard the evaporation of water; or

2. harden or dustproof the surface of freshly poured concrete.

CONCRETE/MASONRY SEALER: a clear or opaque Coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

1. prevent penetration of water; or

2. provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or

3. harden or dustproof the surface of aged or cured concrete

CONDENSER EQUIPMENT: any Equipment, such as refrigerated or non-refrigerated freeboard chillers, condenser coils, or water jackets, used to condense Organic Solvent vapor in a vapor Degreaser.

CONDENSER FLOW SWITCH: safety switch which shuts off pump heat if condenser

water fails to circulate or if condenser water temperature rises above designated operating temperature.

CONFINED ANIMAL FACILITY (CAF): a Source or group of Sources of air pollution at an Agricultural Source for the raising of fowl or animals, including but not limited to, any structure, building, installation, farm, corral, coop, feed storage area, milking parlor, or system for the collection, storage, or distribution of solid and liquid manure; if domesticated animals, including but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

CONSTRUCTION: any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or Modification of an Emissions Unit) which would result in a change in emissions.

CONTAMINATED SOIL: for purposes of Rule 412, soil which indicates 50ppm by volume, or greater of ROC (measured as hexane) at a distance of three inches above the surface with a ROC analyzer.

CONTIGUOUS PROPERTY: two or more Parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

CONTROL DEVICE: any device for reducing emissions into the Atmosphere.

CONTROL EFFICIENCY: the percentage of emissions removed by an existing emission Control Device or estimated to be removed by a proposed emission Control Device. The estimated control efficiency of the proposed air pollution control technology which will be incorporated, by means of Enforceable permit condition(s), in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating reductions attributed to lowering throughput rates or operating hours shall not be considered in determining Control Efficiency.

CONTROL EQUIPMENT: air pollution Control Equipment that eliminates, reduces or controls the issuance of air emissions.

CONVEYORIZED DEGREASER: any continuously loaded, conveyorized Organic Solvent Degreaser, either boiling or non-boiling.

COOLING TOWERS: open water re-circulating devices that use fans or natural draft to draw or force air through the device to cool water by evaporation and direct contact. This includes, but is not limited to, evaporative condensers, quench or cooling towers used for heating ventilation air conditioning (HVAC) and/or industrial cooling processes.

CREMATORIES AND PATHOLOGICAL INCINERATORS: for the purposes of Rule 302, Schedule 10, Crematories and Pathological Incinerators are any Furnace or similar

enclosed fire chamber burning human or animal tissue or cremating human or animal remains.

CUTBACK ASPHALT: paving grade Asphalts liquefied with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid Cure Type: ASTM D2028-76
Medium Cure Type: ASTM D2027-76

DAILY EMISSIONS LIMIT: one or a combination of permit conditions, specific to an Emissions Unit, which restricts its maximum daily emissions, in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limitation must be:

1. contained in and Enforceable by the latest Authority to Construct or the latest Permit to Operate for the Emissions Unit, and

2. Enforceable on a daily basis, and

3. established pursuant to a permitting action occurring after September 7, 1993.

DAIRY: a Confined Animal Facility (CAF) with operations centered around the production of milk, butter, or cheese for commercial purposes.

DECONTAMINATION: for purposes of Rule 412, removal of ROC from contaminated soil by aeration, or District approved treatment process.

DEGREASER: tank, tray, drum, or other container in which objects to be cleaned are exposed to a liquid or vapor degreasing Organic Solvent

DISTRICT: the Imperial County Air Pollution Control District (ICAPCD).

DRIVEWAY SEALER: a Coating labeled and formulated for application to worn Asphalt driveway surfaces to perform one or more of the following functions:

1. fill cracks; or

2. seal the surface to provide protection; or

3. restore or preserve the appearance.

DRY FOG COATING: a Coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface Coating activity.

DUST: minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, and demolishing.

ELECTROSTATIC APPLICATION: a sufficient charging of atomized paint droplets to cause deposition, principally by electrostatic attraction.

ELECTROSTATIC DISCHARGE COATING: electrically conductive Coating which prevents the build-up of static charge on the surface of an Aerospace Component. Applications include, but are not limited to, composites, space vehicles, missiles, and helicopter blades.

ELECTROSTATIC SPRAY APPLICATION: any method of spray application of Coatings where an electrostatic attraction is created between the part to be coated and the paint particles.

EMERGENCY STANDBY TANK: a standby tank used in an emergency to store organic liquids during the draining of the primary tank or for use when the operator is granted breakdown relief.

EMISSION CONTROL SYSTEM: for the purpose of Rule 427, means any combination of capture systems and Control Devices used to reduce VOC emissions from an Automotive Refinishing Operation.

EMISSION REDUCTION CREDITS (ERCs): reductions of Actual Emissions from an Emissions Unit that are registered with the District in accordance with the requirements of Rule 214.

EMISSIONS INCREASE: for the purpose of Rule 207, means any increase in a Stationary Source or an Emissions Unit's Potential to Emit. For determining if a Project will result in a new Major Stationary Source or a Major Modification and the amount of offsets required for such projects, an emission increase means the difference between a Stationary Source or an Emissions Unit's Potential to Emit and its Historic Actual Emissions.

EMISSIONS UNIT: an identifiable operation or piece of process Equipment, such as an article, machine, or other contrivance, which emits, has the Potential to Emit, or results in the emissions of any air pollutant directly or as Fugitive Emissions.

EMULSIFIED ASPHALT: any Asphalt liquefied with water containing an emulsifier, either anionic or cationic.

ENCLOSED GUN CLEANER: a device that is used for the cleaning of spray guns that is not open to the ambient air when in use and has a mechanism to force the cleanup material through the gun while the cleaner is in operation.

ENFORCEABLE: means certain actions which are assured by verifiable and legally

binding conditions in an Authority to Construct and/or Permit to Operate.

EQUIPMENT: includes any article, machine, or contrivance that emits, has the Potential to Emit, or reduces emissions of any air pollutant emitted directly or as Fugitive Emissions.

ERC: see Emission Reduction Credits

ERC CERTIFICATE: a document identifying the quantity and type of ERCs issued by the District to the individual(s) or Source(s) identified on the certificate.

ESSENTIAL PUBLIC SERVICES: the following Sources shall be considered Essential Public Services:

1. sewage treatment operations which are publicly owned and operated consistent with the approved General Plan; or

2. prison, jail, correctional facility; or

3. police or fire fighting facility; or

4. school or hospital; or

5. landfill gas control or processing system which is publicly owned and operated; or

6. water delivery operations which are publicly owned and operated consistent with the approved General Plan; or

7. cleanup operations to remove contaminants from soil or water, mandated by the Regional Water Quality Control Board, California Department of Health Services, Environmental Protection Agency or any other State or Federal law.

EXCAVATION: for purposes of Rule 412, removal of contaminated soil for the purpose of decontamination. Excavated soil may have become contaminated by leaking underground or above ground tank, loading rack, spillage, pipeline leak, accidental spill, or any other Source.

EXEMPT COMPOUND: a compound identified as exempt under the definition of Volatile Organic Compound (VOC). Exempt compound content of a Coating shall be determined by US EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1993), incorporated by reference in Rule 424, subsection G.5.j .

EXTREME PERFORMANCE COATING: Coating that encounters acute or chronic exposure to salt water, corrosives, caustics, acids, oxidizing agents, wind- or ocean-driven debris, or electromagnetic pulses.

FAUX FINISHING COATING: a Coating labeled and formulated to meet one or more of the following criteria:

1. a glaze or textured Coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or

2. a decorative Coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of Coating as applied (at least 0.4 pounds per gallon); or

3. a decorative Coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of Coating as applied (less than 0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District (SCAQMD) method 318-95, incorporated by reference in Rule 424, subsection G.5.d; or

4. a decorative Coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of Coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD method 318-95, incorporated by reference in Rule 424, subsection G.5.d; or

5. a clear topcoat to seal and protect a Faux Finishing Coating that meets the requirements of subsections 1 thru 4 of this definition. These clear topcoats must be sold and used solely as part of a Faux Finishing Coating system, and must be labeled in accordance with Rule 424, subsection E.4.

FEDERAL CLEAN AIR ACT: the Federal Clean Air Act (CAA) as amended in 1990 (42 United States Code. section 7401 et seq.) and its implementing regulations.

FEDERAL LAN MANAGER: the Secretary of the Department with authority over the specified federal lands.

FINISH: the Coating of incomplete vehicles, their parts and components, or Mobile Equipment for which the original Coating was not applied from an original Equipment manufacturer (OEM) plant Coating assembly line.

FIRE RESISTIVE COATING: a Coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The fire resistive category includes sprayed fire resistive materials and intumescent Fire Resistive Coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive

Coatings shall be tested in accordance with ASTM E119-07, incorporated by reference in Rule 424, subsection G.5.b. Fire Resistive Coatings and testing agencies must be approved by building code officials.

FIRE RETARDANT COATING: a Coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state and local building code requirements. The Fire Retardant Coating and the testing agency must be approved by building code officials. The Fire Retardant Coating shall be tested in accordance with ASTM E84-07, incorporated by reference in Rule 424, subsection G.5.a.

Effective January 1, 2011, the Fire Retardant Coating category is eliminated and Coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.).

FIXED COVER: any cover made out of metal(s), polymer(s) or other material, and installed in a permanent position over the liquid.

FLAT COATING: a Coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM D 523-89 (1999), incorporated by reference in Rule 424, subsection G.5.c .

FLEET VEHICLE: one of a group of ten (10) or more Motor Vehicles under common ownership or control and dispatched from a location within Imperial County.

FLIGHT TEST COATINGS: a temporary Coating applied to test aircraft to protect from corrosion and to provide required markings during flight test evaluation.

FLOATING COVER: any cover made out of metal(s), polymer(s) or other material, which is in contact with a liquid surface at all times.

FLOOR COATING: an opaque Coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

FLOW COATING: a Coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective Coating systems present on utility transformer units. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

FLUORIDES: elemental fluorine and all fluoride compounds.

FORM RELEASE COMPOUND: a Coating labeled and formulated for application to a

concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

FREEBOARD HEIGHT:

1. for a Cold Cleaning Degreaser, distance from the top of the Organic Solvent, or the Organic Solvent drain to the top of the Degreaser, based on the inside tank dimensions.

2. for a Remote Reservoir Degreaser, the distance from the Organic Solvent drain to the top of the Degreaser, based on the inside dimensions.

3. for a vapor Degreaser, the distance from the Organic Solvent air-vapor interface to the top of the basic Degreaser tank, based on the inside tank dimensions.

FREEBOARD RATIO: freeboard height divided by the smaller of the length or width of the Degreaser.

FROST PROTECTION: the protection of agricultural crops against damage from frost or cold weather.

FUEL BURNING EQUIPMENT: the minimum number of boilers, furnaces, jet engines or other Fuel Burning Equipment, the simultaneous operations of which are required for the production of useful heat or power. Equipment which burns fuel and serves primarily as air pollution control Equipment by using a combustion process to destroy air contaminants shall not be considered "Fuel Burning Equipment."

FUEL CHANGE: means the transitory operating period when a switch occurs between liquid or gaseous fuels, or any combination thereof.

FUEL TANK COATING: a Coating applied to the interior of a fuel tank of an aircraft or space vehicle to protect it from corrosion.

FUGITIVE EMISSIONS: those emissions which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

FUMES: small particles resulting from chemical reaction or from the condensation of vapors produced in combustion, distillation or sublimation, or other above ambient temperature process.

FURNACE: means any enclosed structure in which heat is produced by the combustion of any fuel.

GASEOUS FUEL: means natural gas, digester gas, landfill gas, methane, ethane, propane, butane, or any gas stored as a liquid at high pressure such as liquefied petroleum gas.

GASOLINE: any petroleum distillate having a Reid Vapor pressure of 4.0 pounds or greater.

GASOLINE BULK PLANT: an intermediate gasoline loading facility where delivery to the facility's storage containers and delivery from the facility is by truck.

GASOLINE DELIVERY VESSEL: a truck, trailer, or railroad car with a storage device containing Gasoline, or Gasoline Vapors, used to transport fuel or other petroleum products.

GASOLINE TERMINAL: a gasoline loading facility where delivery to the facility's storage containers is by means other than truck.

GASOLINE THROUGHPUT: for the purposes of Rule 415, means the volume of gasoline dispensed at a gasoline dispensing facility.

GASOLINE VAPORS: the Reactive Organic Compounds in the displaced vapors, including any entrained liquid gasoline.

GRAPHIC ARTS COATING OR SIGN PAINT: a Coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.

GRAPHIC ARTS OPERATION: the application of logos, letters, numbers, or graphic to a painted surface by brush, roller, or airbrush.

GRAPHIC DESIGN APPLICATION: the application of logos, letters, numbers, and graphics to a painted surface, with or without the use of a template.

GRAZING LAND: open range or fenced fields where animals feed on crops or grasses which grow naturally or are planted.

GROUP I VEHICLES: public transit buses and mobile Equipment.

GROUP II VEHICLES: passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, and motorcycles.

HALOGENATED HYDROCARBONS: all Halogenated Hydrocarbons listed as exempt under the definition of Volatile Organic Compounds.

HAND APPLICATION METHODS: the application of Coatings by nonmechanical hand-held Equipment including but not limited to paint brushes, hand rollers, caulking guns, trowels, spatulas, syringe daubers, rags, and sponges.

HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

HEARING BOARD: the Hearing Board of the Air Pollution Control District of Imperial County.

HEAT INPUT: means the heat derived from the combustion of a fuel in a unit, calculated using the higher heating value, excluding the heat input from preheated combustion air, re-circulated flue gases, or exhaust gases from other Sources, including but not limited to, Stationary Gas Turbines, Internal Combustion Engines and Kilns.

HEAT INPUT RATING: means the maximum steady state heat input capacity of a unit, in BTU per hour, as specified by the manufacturer, or as limited by an Authority to Construct or a Permit to Operate.

HEAVY DUTY ENGINE: an engine which is used to propel a Heavy Duty Vehicle.

HEAVY DUTY VEHICLE: any Motor Vehicle having a manufacturer's gross vehicle weight rating greater than 6,000 pounds, except passenger cars (Title 13, California Code of Regulations, Section 1900 [13 CCR. 1900].)

HEXAVALENT CHROMIUM-CONTAINING WATER TREATMENT CHEMICALS: water treatment Additives which contain Hexavalent Chromium (Chrome VI), alone or in combination with other water treatment chemicals.

HIGH TEMPERATURE COATING: a high performance Coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 240°C (400° F).

HIGH TEMPERATURE RESISTANT, THERMAL FLASH RESISTANT, RAIN EROSION RESISTANT COATING: for the purposes of Rule 425, means a fluoroelastomeric Coating that is designed specifically to protect aerospace vehicles from thermonuclear flash, erosion from airborne particles such as rain, ice, sand, etc., and temperatures above 450 degrees Fahrenheit resulting from aerodynamic heating.

HIGH VOLATILITY SOLVENT: any Organic Solvent that is not a low volatility Solvent.

HIGH-VOLUME, LOW-PRESSURE (HVLP): spray Equipment permanently labeled as such and which is designed and operated between 0.1 and 10 pounds per square inch, gauge, (psig) air atomizing pressure measured dynamically at the center of the air cap and at the air horns.

HIGHER HEATING VALUE: means the total heat liberated, including the heat of condensation of water, per mass of fuel burned (BTU per pound) when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to standard conditions.

HISTORIC ACTUAL EMISSIONS: Actual Emissions from an existing Emissions Unit averaged over a 24 month period immediately preceding the date of application. The APCO may approve another 24 month period within the last 60 months, if the APCO determines that the other period is more representative of normal operations. Where an Emissions Unit has been in operation for less than 24 months a shorter averaging period of at least 12 months may be used providing it represents the full operational history of the Emission Unit. The Historic Actual Emissions from Emission Units which have been in operation for less than 12 months shall be equal to zero. Historic Actual Emissions are to be calculated in pounds per quarter for each calendar quarter. Historic Actual Emissions in quarters 2 or 3 may be lowered by transferring these emissions to quarters 1 or 4, provided that the resulting emissions in quarters 1 or 4 are no higher than the higher of quarters 2 or 3.

HISTORIC EMISSIONS: the Potential to Emit of an existing Emissions Unit prior to Modification. For a new Emissions Unit Historic Emissions are equal to zero.

HYDROCARBON VAPORS: the Reactive Organic Compounds in the vapors, including any entrained organic liquid.

IDENTICAL REPLACEMENT UNIT: a replacement Emissions Unit which is the same as the original unit in all respects except for the serial number.

IMPERVIOUS BARRIER: for purposes of Rule 412, physical covering for contaminated soil which controls ROC emissions to the extent a ROC analyzer detects less than 50ppm by volume ROC (measured as hexane) at a distance of three inches above the surface.

IMPLEMENTS OF HUSBANDRY: is a vehicle which is used exclusively in the conduct of agricultural operations. An Implement of Husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property in a highway.

INCINERATOR: any Furnace or similar enclosed fire chamber, with or without a draft control, used for burning refuse or other waste material and where the products of combustion are channeled through a flue.

INDUSTRIAL MAINTENANCE COATING: a high performance Architectural Coating, including Primers, Sealers, Undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed below and labeled as specified in Rule 424, subsection E.5 .

1. immersion in water, wastewater or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or

2. acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals,

chemical fumes, chemical mixtures or solutions; or

3. frequent exposure to temperatures in excess of 250°F (121°C); or

4. frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial Solvents, cleansers or scouring agents; or

5. exterior exposure of metal structures and structural components.

INTERNAL COMBUSTION ENGINE: any spark or compression ignited reciprocating Internal Combustion Engine that is attached to a foundation at a location, or is portable and operated at a location for more than 90 days in any consecutive twelve month period, excluding engines used for self propulsion of a vehicle.

KILN: means an oven, Furnace, or heated enclosure used for processing a substance by burning, firing, or drying.

LACQUER: a clear or opaque wood Coating, including clear lacquer Sanding Sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

LARGE CONFINED ANIMAL FACILITY (LCAF): any Confined Animal Facility that maintains on any one day: 500 or more milk-producing dairy cows; or 3,500 or more beef cattle, calves, heifers, or other cattle; or 100,000 or more turkeys; or 400,000 or more chickens other than laying hens; or 400,000 or more laying hens; or 3,000 or more swine; or 15,000 or more sheep, lambs, or goats; or 2,500 or more horses; or 400,000 or more ducks; or 30,000 or more rabbits or other animals.

LARGE/HEAVY DUTY TRUCKS: any truck having a manufacturer's gross vehicle weight rating of over 10,000 pounds.

LEAK OF REACTIVE ORGANIC COMPOUNDS: an emission of a liquid containing Reactive Organic Compounds at a rate of more than 3 drops per minute, as a continuous stream, or as a visible mist; or an emission of a gas containing Reactive Organic Compounds which causes an appropriate analyzer sampling 1 centimeter from a Source to register at least 10,000ppm as methane as determined by US EPA Reference Method 21.

LEAK-FREE: for the purposes of Rule 415, means a liquid leak of no more than three drops per minute excluding losses which occur upon disconnecting transfer fittings. Provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.

LEAN-BURN ENGINE: any spark or compression ignited Internal Combustion Engine

that is operated with an exhaust gas stream oxygen concentration of four percent (4%) by volume, or greater. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.

LIGHT DUTY TRUCK: any Motor Vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use (13 CCR 1900.)

LIQUID FUEL: means any fuel which is a liquid at standard conditions including but not limited to distillate oils, kerosene and jet fuel. Liquefied gaseous fuels are not liquid fuels.

LOADING FACILITY: any aggregation or combination of gasoline loading Equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading Equipment can be encompassed within any circle of 300 feet in diameter.

LOW EMISSION VEHICLE: any vehicle certified by the California Air Resources Board (CARB) to the transitional, low, ultra low, or zero emission vehicle standards established in 13 CCR 1960.1

LOW SOLIDS COATING: a Coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of Coating material as recommended for application by the manufacturer. The VOC content for Low Solids Coatings shall be calculated in accordance with the definition of VOC Actual.

LOW VOLATILITY SOLVENT: any Organic Solvent, including emulsions containing no more than 2% Reactive Organic Compounds (ROC) by weight as determined by US EPA test method 24.

LOWEST ACHIEVABLE EMISSION RATE (LAER): for any Stationary Source or Modification the more stringent of:

1. the most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of Stationary Source, unless the Owner or Operator of the proposed Stationary Source demonstrates that such limitations are not achievable; or

2. the most effective emissions control technique which has been achieved in practice, for such class or category of Source as determined by the APCO; or

3. the emission limitation specified for such class or category of Source under applicable federal New Source Performance Standards pursuant to Section 111 of the Clean Air Act; or

4. any other emissions control technique found after public hearing, by the APCO or the California Air Resources Board to be technologically feasible and cost effective for such class or category of Sources or for a specific Source.

MAGNESITE CEMENT COATING: a Coating labeled and formulated for application to Magnesite Cement decking to protect the Magnesite Cement substrate from erosion by water.

MAJOR MODIFICATION: a Modification to a Major Stationary Source which results in a Significant Emissions Increase and a Significant Net Emissions Increase of the pollutant for which the Stationary Source is classified as a Major Stationary Source.

MAJOR PROJECT: for the purpose of Rule 206 and 301 means a Project which will emit pollutants under any of the following conditions: 250 or more lbs/day controlled for any single pollutant; 100 or more tons/yr uncontrolled for any single pollutant; 250 or more tons/yr uncontrolled for all emissions combined.

MAJOR STATIONARY SOURCE: means a Stationary Source which emits, or has the Potential to Emit 100 tons per year (tpy) or more of Volatile Organic Compounds or Oxides of Nitrogen, or 70 tpy or more of PM_{10}, or a PM_{10} Precursor or 100 tpy or more of $PM_{2.5}$ or a $PM_{2.5}$ Precursor. In addition, any physical change occurring at a Stationary Source which is not already a Major Stationary Source, and which Modification would constitute a Major Stationary Source by itself, makes the Source a Major Stationary Source. For $PM_{2.5}$ and $PM_{2.5}$ precursors, this definition applies only to Stationary Sources located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

MAKE-UP SOLVENT: Organic Solvent added to a Degreaser to replace Organic Solvent lost through evaporation, carry-out, splashing, leakage, or disposal.

MANUFACTURER'S MAXIMUM THINNING RECOMMENDATION: the maximum recommendation for thinning that is indicated on the label or lid of the Coating container.

MANURE: the accumulated animal excrement in or around a livestock feed yard that does not undergo decomposition as would occur on open grazing land or natural habitat. This definition includes feces or urine which may be mixed with bedding materials, with spilled feed or with soil.

MASKANT: a Coating applied directly to a metal part or other surface to protect surface areas during chemical milling, anodizing, aging, bonding, plating, etching, or other chemical surface operations.

MASTIC TEXTURE COATING: a Coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

MEDIUM DENSITY FIBERBOARD (MDF): a composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.

MEDIUM DUTY VEHICLE: any pre-1995 model year Heavy-Duty Vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less; any 1992 through 2006 model-year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in section 1960.1(h)(2) of the California Code of Regulations (CCR) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 1995 through 2003 model-year heavy-duty vehicle certified to the standards in section 1960.1(h)(1) of the CCR having a manufacturer'=s gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Section 1961(a)(1), 1962, or 1962.1 having a manufacturer’s gross vehicle weight rating between 8,501 and 14,000 pounds. (California Code of Regulations Title 13, Division 3, Chapter 1, Article 1, §1900)

METALLIC/IRIDESCENT COLOR COATING: any Coating that contains more than 0.042 pounds per gallon (5 grams per liter) of metal or iridescent particles as applied, where such particles are visible in the dried film.

METALLIC PIGMENTED COATING: a Coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented Coatings must contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of Coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in Rule 424, subsection G.5.d. The Metallic Pigmented Coating category does not include Coatings applied to roofs or Zinc-Rich Primers.

MILITARY BASE: means a Military Base that is designated for closure or downward realignment pursuant to the Defense Base Closure and Realignment Act of 1988 (P.L. 100-526) or the Defense Base Closure and Realignment Act of 1990 (10 United States Code Sec. 2687 et seq.).

MINOR PROJECT: for the purpose of Rules 206 and 301, a Project for which uncontrolled emissions will not exceed 35 lbs/day of any pollutant, and for which there will be no emission of pollutants which are toxic Air Contaminants or for which the District has been designated nonattainment.

MOBILE EQUIPMENT: for the purposes of Rule 427 is any device that may be drawn and/or driven on rails or a roadway including, but not limited to, trains, railcars, truck trailers, mobile cranes, bulldozers, street cleaners, and Implements of Husbandry for agriculture.

MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC): Actual Emission Reductions which have been recognized by the District as being banked and registered with a MSERC certificate issued in accordance with the requirements of Rule 214.1.

MOBILE TRANSPORT TANK: any tank truck or trailer, railroad tank car, or tanker used to transport reactive organic liquids.

MODELING: use of an air quality simulation model, based on specified assumptions and data, which has been approved in writing by the executive officer of the California Air Resources Board.

MODIFICATION: any physical change, change in method of operation of, or addition to, an existing Emissions Unit, or any change in hours of operation or production rate which would necessitate a change in permit conditions.

Unless previously limited by a permit condition, the following shall not be considered a Modification:

1. change in ownership of an existing Stationary Source with valid Permit(s) to Operate.

2. routine maintenance or repair.

3. an Identical Replacement Unit, if the Modification does not result in a Major Modification.

A Modification of an Emissions Unit also occurs when there is an increase in emissions from such a unit caused by a Modification of the Stationary Source and the Emissions Unit is not subject to a Daily Emissions Limit.

A Modification to a Stationary Source shall include any Modification of its permitted Emissions Unit(s) or the addition of any new Emissions Unit(s).

A Reconstructed Stationary Source shall be treated as a new Stationary Source and not as a Modification.

MOTOR VEHICLE: any self-propelled vehicle, but not limited to, cars, trucks, buses, golf carts, vans, motorcycles, tanks, and armored personnel carriers.

MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC) PROGRAM: as recognized by the California Air Resources Board, any activity undertaken by a Person which produces actual Mobile Source Emission Reductions within Imperial County for purposes of establishing ERC's pursuant to Rules 214 and 214.1. A program can be a onetime action, a series of one time actions or a continuous set of actions.

MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC) REGISTRY: a tracking maintained by the District which records all MSERC deposits, withdrawals, transfers and transactions as required by Rule 214.1.

MULTI-COLOR COATING: a Coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat. For purposes of Rule 427, means any Coating that exhibits more than one color in the dried film after a single application, is packaged in a single container, and hides surface defects on areas of heavy use, and which is applied over a Primer or Adhesion Promoter.

MULTIPLE-CHAMBER INCINERATOR: any article, machine, Equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

NO-BURN DAY: any day on which Agricultural Burning is prohibited by the California Air Resources Board or by the District.

NO-BURN LIST: a list of fields for which ERC's have been applied and on which burning will not be allowed.

NONATTAINMENT AREA: an area designated by a state or federal agency as exceeding a state or National Ambient Air Quality Standard.

NONATTAINMENT POLLUTANT: any pollutant or Precursor which has been designated "nonattainment" by the US EPA as codified in 40 CFR Section 81.305, or that has been designated "nonattainment" by the CARB pursuant to H&SC Section 39607.

NONFLAT COATING: a Coating that is not defined under any other definition in this Rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM D523-89 (1999), incorporated by reference in Rule 424, subsection G.5.c .

NONFLAT-HIGH GLOSS COATING: a Nonflat Coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM D523-89 (1999), incorporated by reference in Rule 424, subsection G.5.c. Nonflat–High Gloss Coatings must be labeled in accordance with Rule 424, subsection E.12.

NON-PERMITTED EMISSIONS: for the purpose of Rule 214, Non-Permitted Emissions are emissions which are not governed under a District permit.

OFFSET: the use of an emission decrease to compensate for an Emission Increase from a new or modified Stationary Source subject to the requirements of Rule 207.

OFFSET FILL LINE: any liquid fill line which contains one or more pipe bends, and the horizontal distance between the truck delivery connection and the storage container fill opening is 6.1 meters (20 feet) or greater.

OIL-EFFLUENT WATER SEPARATOR: any device or piece of Equipment used to remove petroleum compounds or associated chemicals from effluent water

OPACITY: the degree to which emissions reduce the transmission of light and obscure the view of the background.

OPAQUE STAINS: all Stains that are not classified as Semi-Transparent Stains.

OPAQUE WOOD PRESERVATIVES: all Wood Preservatives not classified as clear or Semi-Transparent Wood Preservatives or as below ground Wood Preservatives.

OPEN BURNING IN AGRICULTURAL OPERATIONS IN THE GROWING OF CROPS OR RAISING OF FOWLS OR ANIMALS:

1. the burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

2. the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation in connection with operations qualifying under 1 above; and

3. the burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields, except as prohibited by District regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or combustible containers, where the sacks or combustible containers are emptied in the field, or other reasonable nearby location under the direct control of the farm operator. This does not include products made from rubber.

OPEN OUTDOOR FIRE: the complete or partial burning or smoldering of any combustible refuse or other material of any type, directly exposed to the Atmosphere, whether or not enclosed in a fireproof container, where the products of combustion are not channeled through a flue.

OPEN-TOP VAPOR DEGREASER: any batch loaded, boiling Organic Solvent Degreaser.

ORCHARD OR CITRUS GROVE HEATER: any article, machine, Equipment, or other contrivance, burning any type of fuel, capable of emitting Air Contaminants, used or capable of being used for the purpose of giving protection from frost damage. Contrivances commonly known as wind machines are not included.

ORGANIC CONTENT: for purposes of Rule 412, degree of contamination used to limit daily rate contaminated soil may be added to an active soil aeration pile.

ORGANIC MATERIALS: chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates and ammonium carbonate.

ORGANIC SOLVENTS: includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

OTHER CATTLE FACILITY: a Confined Animal Facility (CAF) housing cattle which does not meet the definition of a Beef Feedlot or Dairy.

OWNER OR OPERATOR: includes, but is not limited to, any Person who owns, leases, supervises or operates Equipment.

PARCEL: a legally subdivided piece of land or combined lands under common ownership.

PARTICLEBOARD: a composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

PARTICULATE MATTER: any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. Dust shall also be considered as Particulate Matter.

PARTICULATE MATTER (PM_{10}): Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PARTICULATE MATTER ($PM_{2.5}$): Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PASSENGER CAR: “any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less” (California Code of Regulations Title 13, Division 3, Chapter 1, Article 1, §1900)

PEARLESCENT: exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

PERMANENT: the actual emission reductions that continue or endure for the duration of any Project utilizing the resulting ERC’s as Offsets.

PERMISSIVE-BURN DAY: any day on which Agricultural Burning is not prohibited by the California Air Resources Board or the District.

PERMIT TO OPERATE: the written permit issued by the District for the operation of any facility, article, machine, Equipment, Emission Unit or other contrivance.

PERSON: any person, firm, association, organization, partnership, business trust, corporation, company, limited liability company, contractor, supplier, installer, user or owner, or any federal, state or local government agency, public district, or any officer or employee thereof.

PHASE I VAPOR RECOVERY SYSTEM: a system which recovers the hydrocarbon vapors resulting from the transfer of r Reactive o Organic c Compounds into a Stationary Tank or Mobile Transport Tank.

PHASE II VAPOR RECOVERY SYSTEM: a gasoline vapor recovery system that recovers vapors during the fueling of Motor Vehicles from stationary storage tanks.

PHOTOCHEMICALLY REACTIVE SOLVENT: any Solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of Solvent:

1. a combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

2. a combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

3. a combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

PLYWOOD: a panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

$PM_{2.5}$ NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

POST-CONSUMER COATING: finished Coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

POTENTIAL EMISSIONS: the sum of the maximum emissions from all Emissions Units

at a Stationary Source, based on the maximum design capacity, unless otherwise limited by practically and legally Enforceable conditions contained in the Authority to Construct and/or Permit to Operate, expressed in terms of pounds per quarter. (Pounds per quarter for PM_{10}, $PM_{2.5}$ and sulfur oxides shall be determined by multiplying the Daily Emission Limit, in pounds per day, by the permitted operating days per quarter.)

POTENTIAL TO EMIT: the maximum capacity of an Emissions Unit to emit an Affected Pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the Emission Unit to emit a pollutant, including air pollution Control Equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as a practically and legally Enforceable permit condition.

POWER RATING: means the maximum, continuous power output of a Stationary Gas Turbine(s), in megawatts (MW) or equivalent, as certified by the manufacturer unless limited by a condition in a District Authority to Construct or a Permit to Operate. Power augmentation shall not be included in Power Rating.

PRECURSOR: a directly emitted Affected Pollutant that, when released into the Atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a state or National AAQS has been adopted, or whose presence in the Atmosphere will contribute to the violation of one or more state or National AAQS. The following Precursor secondary pollutant relationships shall be used for the purposes of these regulations:

PRECURSORS	SECONDARY POLLUTANTS
Hydrocarbons and substituted hydrocarbons (Volatile Organic Compounds.)	a) Photochemical Oxidant (Ozone) b) The organic fraction of PM_{10}. c) Organic fraction of $PM_{2.5}$
Nitrogen Oxides (NOx)	a) Nitrogen Dioxide (NO_2) b) The nitrate fraction of PM_{10} c) Photochemical Oxidant (Ozone) d) The nitrate fraction of $PM_{2.5}$
Sulfur Oxides (SOx)	a) Sulfur Dioxide (SO_2) b) Sulfates (SO_4) c) The sulfate fraction of PM_{10} d) The sulfate fraction of $PM_{2.5}$

Ammonia	a) The ammonium fraction of $PM_{2.5}$

PREPREG COMPOSITE MATERIAL: for the purposes of Rule 425, means, a reinforcing material impregnated with partially polymerized organic resins and ready for application.

PRESSURE TANK: a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss into the Atmosphere.

PRE-TREATMENT WASH PRIMER: a Primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D1613-06, incorporated by reference in Rule 424, subsection G.5.e that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

PRETREATMENT COATING: for the purposes of Rule 427, any Coating that contains a minimum of one-half (0.5) percent acid by weight and not more than 16 percent solids by weight necessary to provide surface etching and is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and adhesion.

PRIMER, SEALER, AND UNDERCOATER: for purposes of Rule 424, a Primer, Sealer, and Undercoater is a Coating labeled and formulated for one or more of the following purposes;

1. to provide a firm bond between the substrate and the subsequent Coatings; or

2. to prevent subsequent Coatings from being absorbed by the substrate; or

3. to prevent harm to subsequent Coatings by materials in the substrate; or

4. to provide a smooth surface for the subsequent application of Coatings; or

5. to provide a clear finish coat to seal the substrate; or

6. to block materials from penetrating into or leaching out of a substrate.

PRIMER: for purposes of Rule 427, Primer is any Coating which is labeled and formulated for application to a substrate to provide:

1. a bond between the substrate and subsequent coats

2. corrosion resistance

3. a smooth substrate surface, or

4. resistance to penetration of subsequent coats, and on which a subsequent Coating is applied.

Primers may be pigmented.

PRIMER SEALER: for purposes of Rule 427, a Primer Sealer is any Coating which is labeled and formulated for application prior to the application of a color Coating for the purpose of color uniformity, or to promote the ability of the underlying Coating to resist penetration by the color Coating.

PRIMER SURFACER: any Coating applied prior to the application of a Topcoat for the purpose of corrosion resistance, adhesion of the Topcoat, and which promotes a uniform surface by filling in surface imperfections.

PRIORITY RESERVE: a depository of emission reductions for loan to applicable priority sources for use as Offsets.

PROCESS HEATER: means any combustion Equipment fired with liquid and/or gaseous fuel and which transfers heat from the combustion gases to water or processes stream. Heaters used for swimming pools, spas and/or therapy pools shall be considered Process Heaters. “Process Heater” shall not include any combustion Equipment where the material being heated is in direct contact with the products of combustion, such as Furnaces or Kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion Equipment.

PROCESS WEIGHT PER HOUR: the total weight of all materials introduced into any specific process which process may cause any discharge into the Atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the Equipment is idle. Cooling air and cooling water will not be considered as part of the process weight.

PROJECT: activity, for which a permit is required, or that has the Potential to Emit Air Contaminants. A project includes all of the Emission Units associated with the scope of the preconstruction application for a new or modified Stationary Source and any Emissions Unit(s) indirectly affected.

PROPOSED EMISSIONS: the Potential to Emit for a new or post Modification Emissions Unit.

QUANTIFIABLE: means a reliable, replicable and accurate basis for calculating the amount, rate, nature and characteristic of an emission reduction by adhering to a quantification protocol that can be established, considering US EPA, CARB and District

policies and procedures.

QUARTERLY: the calendar quarter beginning in January 1, April 1, July 1, and October 1.

QUICK-DRY ENAMEL: a Nonflat Coating that is labeled as specified in Rule 424, subsection E.9 and that is formulated to have the following characteristics:

1. is capable of being applied directly from the container under normal conditions with ambient temperatures between 60ºF and 80ºF (16ºC and 27ºC).

2. when tested in accordance with ASTM D1640-95, incorporated by reference in Rule 424, section G.5.f, sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method; and

3. has a dried film gloss of 70 or above on a 60 degree meter.

Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

QUICK-DRY PRIMER, SEALER AND UNDERCOAT: a Primer, Sealer or Undercoat that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM D1640-95, incorporated by reference in Rule 424, section G.5.f. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

RAINY PERIOD: for the purpose of Rule 420, when the twenty-four (24) hour measured rainfall amount ending at 4 a.m. is between 0.20 inches and 0.75 inches.

RANGE IMPROVEMENT BURNING: the use of open outdoor fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

RATED BRAKE HORSEPOWER: the maximum Rated Brake Horsepower specified for the engine by the manufacturer and listed on the nameplate for the unit, regardless of any derating, unless limited by the engine's Permit to Operate (PTO).

REACTIVE ORGANIC COMPOUND (ROC): see Volatile Organic Compound (VOC) definition.

REACTIVE PENETRATING SEALER: a clear or pigmented Coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and

masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic Coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:

1. the Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Rule 424, subsection G.5.u, ASTM C67-07, or ASTM C97-02, or ASTM C140-06; and

2. the Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens in accordance with ASTM E96/E96M-05, incorporated by reference in Rule 424, subsection G.5.v; and

3. products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in Rule 424, subsection G.5.w.

Reactive Penetrating Sealers must be labeled in accordance with Rule 424, subsection E.10.

REAL: a "real" emission reduction means that actual air emissions are reduced and that they are actually occurring and not artificially devised.

REASONABLE FURTHER PROGRESS: annual incremental reductions in emissions required for the purpose of ensuring attainment of state or federal Ambient Air Quality Standards by the applicable date.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): is the most stringent of the following control options:

1. the most effective emission limits in existing regulations that are currently in effect in any District whose nonattainment status is designated as moderate, with such limits resulting from the application of retrofit technologies judged by the APCO to be demonstrated and reliable.

2. emission limits identified in existing Suggested Control Measures (SCM's), model rules, the US EPA’s Control Techniques Guidelines (CTG's) or other such documents.

3. emission limits in new (post 1988) SCM's and the technical review group of the California Air Pollution Control Officers Association approved Reasonably

Availability Control Technology/Best Available Retrofit Control Technology (RACT/BARCT) determinations, which are not identified as BACT and are less stringent than BACT.

4. the lowest emission limit that can be achieved by the specific Source by the application of control technology taking into account environmental impacts, technological feasibility, cost-effectiveness, and the specific design features or extent of necessary Modifications to the Source. Emission limits for existing specific Sources may be found in the field studies and evaluations of District regulations conducted by the US EPA and the CARB.

5. the lowest emission limit achieved for the Source category that is technically feasible, economically reasonable and achieved in practice anywhere (including outside the United States), with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.

6. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

REBUILT EQUIPMENT: for the purposes of Rule 415, means any component of a Vapor Recovery System that has undergone repair or replacement of any or all of its internal parts.

RECONSTRUCTED STATIONARY SOURCE: any Stationary Source undergoing physical Modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new Stationary Source. Fixed capital cost means that capital needed to provide all the depreciable components.

RECYCLED COATING: an Architectural Coating formulated such that it contains a minimum of 50% by volume post-consumer Coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

REDUCER: the Solvent used to thin enamel.

REDUCTION OF ANIMAL MATTER: processing animal matter by any process, including rendering, cooking, drying, dehydration, digestion, and evaporation, but not including any processing of food for human consumption.

REFINISHING: any Coating of vehicles, their parts and components, or Mobile Equipment, including partial body collision repairs, for the purpose of protection or beautification and which is subsequent to the original Coating applied at an original Equipment manufacturing (OEM) plant Coating assembly line.

REMOTE RESERVOIR: liquid Organic Solvent tank which is completely enclosed except for a Solvent return opening no larger than 100 cm2 (15 in2) which allows used Organic Solvent to drain into it from a separate Organic Solvent sink or work area and

which is not accessible for soaking parts.

RESIDENTIAL: areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

RESIDENTIAL RUBBISH: refuse originating from Residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants, but not household garbage.

RETAIL FACILITY OR RETAIL SERVICE STATION: is any Motor Vehicle refueling facility subject to payment of California sales tax on gasoline sales.

RICH BURN ENGINE: any spark or compression ignited Internal Combustion Engine that is operated with an exhaust gas stream oxygen concentration of less than four percent (4%) by volume. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.

ROAD OILS: slow cure asphalts.

ROC ANALYZER: hydrocarbon analyzer satisfying United States Environmental Protection Agency Method 21, 40 CFR Part 60.

ROOF COATING: a non-bituminous Coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

RULE: a Rule of the Air Pollution Control District of Imperial County.

RUST PREVENTATIVE COATING: a Coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

1. direct-to-metal Coating; or

2. Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:

3. Coatings that are required to be applied as a topcoat over a p Primer; or

4. Coatings that are intended for use on wood or any other non-metallic surface.

Rust Preventative Coatings are for metal substrates only and must be labeled as such, in accordance with the labeling requirements in Rule 424, subsection E.7.

SANDING SEALER: a clear or semi-transparent Wood Coating labeled and formulated

for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of Coatings. A Sanding Sealer that also meets the definition of a Lacquer is not included in this category, but is included in the Lacquer category. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

SEASONAL SOURCE: any Stationary Source with more than 75 percent of its annual operating hours within a consecutive 120 day period.

SECONDARY EMISSIONS: means emissions which would occur as a result of the Construction or operation of a Stationary Source or Modification, but do not come from the Stationary Source or Modification itself. Secondary emissions must be specific, well defined, Quantifiable, and impact the same general area as the Stationary Source or Modification which causes the Secondary Emissions. Secondary Emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the Construction or operation of the Stationary Source. Secondary Emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a Motor Vehicle, from a train, or from a vessel.

SECONDARY INDUSTRIAL MATERIALS: products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.

SEMITRANSPARENT COATING: a Coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

SEMI-TRANSPARENT STAINS: Coatings which are formulated to change the color of a surface but not conceal the surface.

SEMI-TRANSPARENT WOOD PRESERVATIVES: Wood Preservative Stains formulated and used to protect exposed wood from decay or insect attack by the addition of a Wood Preservative chemical registered by the California Department of Food and Agriculture, which change the color of a surface but do not conceal the surface, including clear Wood Preservatives.

SHELLAC: a clear or opaque Coating formulated solely with the resinous secretions of the lac beetle (*Laciffer lacca*), and formulated to dry by evaporation without a chemical reaction.

SHOP APPLICATION: application of a Coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original Equipment manufacturing Coatings).

SHUTDOWN: means an action necessary to cease operation of an Emissions Unit and includes the amount of time needed to safely do so. For the purposes of calculating ERC's, means the Permanent cessation of emissions from an emitting unit and the surrender of the operating permit.

SIGNIFICANT: in reference to an Emissions Increase or the potential of a Source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

1. $PM_{2.5}$: 10 tpy of direct $PM_{2.5}$ or 40 tpy of sulfur dioxide, nitrogen oxide, VOC's or Ammonia.

2. Nitrogen oxides: 40 tpy

3. Sulfur dioxide: 40 tpy

4. VOC's: 40 tpy; and

5. PM_{10}: 15 tpy

SIGNIFICANT EMISSIONS INCREASE: an increase in emissions that is Significant for that pollutant.

SIGNIFICANT NET EMISSIONS INCREASE: an increase in net emissions that is Significant for that pollutant. The "net emissions increase" shall be determined as defined in 40 CFR 51.165.

SINGLE-STAGE COATING: any pigmented Coating, excluding Primers and Multi-Color Coatings, labeled and formulated for application without a subsequent clear coat. Single-stage Coatings include single-stage metallic/iridescent Coatings.

SOAP BUBBLE SCORE: the magnitude of a leak as indicated by the size of bubble formation resulting from spraying the suspected area with a standard solution. Soap scores are assigned following six seconds of observation as follows:

Soap Score	Estimate Bubble Volume (cc/6 Sec.)
0	No detectable bubbling
1	0 to 1 cc per 6 sec.
2	1 to 10 cc per 6 sec.
3	10 to 100 cc per 6 sec.
4	Greater than 100 cc per 6 sec.

SOLICIT: to require for use or to specify, by written or oral contract.

SOLVENT: for purposes of Rule 427, a VOC-containing fluid used to perform cleaning

operations.

SOURCE: a specific device, article, or piece of Equipment from which Air Contaminants are emitted, or the distinct place (such as with fires or other chemical activity) from which Air Contaminants are emitted. A Project or facility may have more than one Source and the term may be used to describe a group of "Sources."

SPACE VEHICLE: a vehicle designed for use beyond the earth's Atmosphere.

SPECIALTY COATING: a Coating used for limited, specialty applications, such as Camouflage Coatings or extreme performance Coatings. Such Coatings frequently have no complying counterpart, and often must be used to fulfill specific performance requirements of the particular Coating application.

SPECIALTY PRIMER, SEALER, AND UNDERCOATER: a Coating that is formulated for application to a substrate to block water-soluble Stains resulting from: fire damage; smoke damage; or water damage. Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with Rule 424, subsection E.8. Until January 1, 2012, the Specialty Primer, Sealer, and Undercoater includes Coatings formulated to seal excessively chalky surfaces. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM D4214-98, incorporated by reference in Rule 424, subsection G.5.g.

SPOT REPAIR: repair of an area on a Motor Vehicle, piece of Mobile Equipment, or associated parts or components of less than 1 square foot (929 square centimeters).

SPRAY SAFETY SWITCH: safety switch which cuts off the spray applicator pump if vapor levels drop below a specific level.

STACK-GAS OXYGEN SYSTEM: means a system of monitors that is used to maintain excess air at the desired level. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller.

STAIN: a semi-transparent, or opaque Coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

STANDARD CONDITIONS: a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

STARTUP: means an action necessary to begin operation of a unit and includes the amount of time needed for a unit and ancillary Equipment to achieve stable operations.

STATE BOARD: the California Air Resources Board, or any Person authorized to act on its behalf.

STATIONARY GAS TURBINE(S): means any gas turbine system, with or without power augmentation, which is permanently attached to a foundation, or is not a portable gas turbine. Two or more gas turbines powering a common shaft shall be treated as one gas turbine.

STATIONARY SOURCE: any building, structure, facility, Equipment, or Emissions Unit which emits or may emit any Affected Pollutant directly or as a Fugitive Emission. Building, structure, or facility includes all pollutant emitting activities, including Emission Units, which:

1. are located on one or more contiguous or adjacent properties, and

2. are under the same or common ownership or operation, or which are owned or operated by entities which are under common control, and

3. belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common production process, industrial process, manufacturing process, or connected process involving a common raw material.

STATIONARY TANK: any tank, reservoir or other container used to store, but not transport, Reactive Organic Compounds.

STENCIL COATING: for the purposes of Rule 425, means an ink or Coating which is rolled, sprayed with an airbrush or a touch-up gun with a capacity of 8 ounces (236.4 ml) or less, or brushed using a template to add identifying letters and/or numbers to Aerospace Component.

STONE CONSOLIDANT: a Coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01, incorporated by reference in Rule 424, subsection G.5.x. Stone Consolidants are for professional use only and must be labeled as such, in accordance with the labeling requirements in Rule 424, subsection E.11.

STRIPPER: a Reactive Organic Compound liquid applied to remove a Maskant, paint, paint residue or temporary protective Coating.

SUBMERGED FILL PIPE: any permanent fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. “Submerged Fill Pipe” when applied to a tank which is loaded from the side means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

SURFACE PREPARATION SOLVENT: any Solvent used primarily for the conditioning of a surface to receive a Coating.

SURPLUS: the amount of emission reductions that are, at the time of generation of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. For the purpose of Rule 207, sections C.2.c and C.2.d, "Surplus" means the amount of emission reductions that are, at the time of use of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered Surplus may be considered Surplus for purposes of Rule 207 if those reductions meet all other requirements of Rule 207. Examples of federal, State, and local laws and of SIP-related requirements include, but are not limited to, the following:

1. the federally-approved California SIP;

2. other adopted State air quality laws, and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that : (1) the District or the State has included on a legally-required and publicly-available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;

3. any other Source or Source-category specific regulatory or permitting requirement, including, but not limited to, RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and the Lowest Achievable Emission Rates (LAER); and

4. any regulation or supporting documentation that is required by the CAA but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an Enforceable near-term emissions reduction commitment; assumptions used in conformity demonstrations, and assumptions used in emissions inventories.

5. emission reductions produced by monies from any public air quality related funding program including but not limited to the Carl Moyer Memorial Air Quality Standards Attainment Program and the vehicle registration surcharge fee.

SWIMMING POOL COATING: a Coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming Pool Coatings

included Coatings used for swimming pool repair and maintenance.

SWIMMING POOL REPAIR AND MAINTENANCE COATING: a rubber based Coating labeled and formulated to be used over existing rubber based Coatings for the repair and maintenance of swimming pools. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

SWITCH LOADING: the loading of organic liquids with a Reid vapor pressure of less than 4.0 pounds into a delivery vessel where the previous load was gasoline.

TACK COAT: any application of Asphalt applied to an existing surface to provide a bond between new surfacing and an existing surface and to eliminate slippage planes where the new and existing surfaces meet.

TANK REPLACEMENT: the replacement of one or more stationary Gasoline storage tanks at an existing Gasoline dispensing facility, or, the excavation of 50 percent or more of an existing Gasoline dispensing facility's total underground liquid Gasoline piping from the stationary storage tanks to the Gasoline dispensers.

TEMPERATURE-INDICATOR SAFETY COATING: a Coating labeled and formulated as a color-changing indicator Coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying Equipment, and for application to substrates exposed continuously or intermittently to temperatures above 400°F (204°C). Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

TEMPORARY PROTECTIVE COATING: for the purposes of Rule 427, any Coating which is labeled and formulated for the purpose of temporarily protecting areas from overspray or mechanical damage.

THERMAL OXIDIZER: means combustion Equipment fired with Gaseous Fuel and used to control emissions of Air Contaminants from industrial or commercial processes.

THERMO CONTROL COATING: a Coating applied to Space Vehicle components to reflect heat and formulated to give specific heat reflectance, absorption and emissivity properties, or a Coating required for aerospace engine components to delay component failure due to fire.

TINT BASE: an Architectural Coating to which colorant is added after packaging in sale units to produce a desired color.

TOPCOAT: a Coating applied over a Primer as the final coat for purposes such as appearance, identification, or protection.

TOTAL REDUCED SULFUR COMPOUNDS: the sulfur compounds methyl mercaptan, dimethyl sulfide, dimethyl disulfide, carbon disulfide, and carbonyl sulfide.

TOUCH-UP COATING: for the purposes of Rule 425, means a Coating that is used for that portion of the Coating operation which is incidental to the main Coating process but necessary to cover minor imperfections or to achieve coverage as required. A touch-up Coating may include small amounts of Solvent, applied by hand, used to attach Coating patches exhibiting inadequate adhesion.

TOXIC AIR CONTAMINANT: an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness or which may pose a present or potential hazard to human health. This includes, but is not limited to, hazardous air pollutants listed in Section 112(b) of the Clean Air Act, which is incorporated by reference.

TRAFFIC MARKING COATING: a Coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

TRANSFER: in reference to ERC's, means the conveyance of an ERC from one entity to another

TRANSFER EFFICIENCY: is the amount of Coating solids adhering to the object being coated divided by the total amount of Coating solids sprayed, expressed as a percentage.

TREATED BRUSH: material to be burned that has been felled, crushed or uprooted with mechanical Equipment, or desiccated with herbicides.

TRUCK BED LINER COATING: any Coating, excluding clear, color, multi-color, and single stage Coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.

TUB AND TILE REFINISH COATING: a clear or opaque Coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish Coatings must meet all of the following criteria:

1. the Coating must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This must be determined on bonderite 1000, in accordance with ASTM D3363-05, incorporated by reference in Rule 424, subsection G.5.p and

2. the Coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM D4060-07 incorporated by reference in Rule 424, subsection G.5.q and

3. the Coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D714-02e1, incorporated by reference in Rule 424, subsection G.5.r and

4. the Coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D3359-02, incorporated by reference in Rule 424, subsection G.5.o.

ULTRASONIC: enhancement of cleaning process by vibrating Organic Solvent with high frequency sound waves, causing implosion of microscopic vapor cavities within liquid Organic Solvent.

UNDERBODY COATING: for purposes of Rule 427, any Coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the Motor Vehicle.

UNIFORM FINISH COATING: for purposes of Rule 427, any Coating labeled and formulated for application to the area around a Spot Repair for the purpose of blending a repaired area's color or clear coat to match the appearance of an adjacent area's existing Coating.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA): the Administrator or appropriate delegate of the "United States Environmental Protection Agency."

UNRESERVED FUND BALANCE: the excess of the assets of a governmental fund or trust fund over its liabilities and fund balance reserved accounts.

UPWIND: the area bounded by a line drawn perpendicular to the predominant wind flow line passing through or nearest to the site of the new source or Modification and extending to the boundaries of the same or adjoining counties within the same air basin except where the APCO determines that for reasons of topography or meteorology such a definition is inappropriate.

VAPOR LEVEL CONTROL THERMOSTAT: safety switch which turns off sump heater if temperature rises above design operating level at center of air-vapor interface.

VAPOR RECOVERY SYSTEM: a vapor-gathering system capable of collecting organic vapors and gases emitted during the operation of Equipment.

VAPOR TIGHT: for the purposes of Rule 415, means a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in) from the Source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

VARIANCE: an authorization by the Hearing Board to permit, for a specified limited period of time, some act contrary to the requirements specified by the District Rules and regulations.

VARNISH: a clear or semi-transparent Wood Coating, excluding Lacquers and Shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the Finish. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

VEHICLE CLASS: either a Passenger Car, Light Duty Truck, Medium Duty Vehicle or Heavy Duty Vehicle as defined in Title 13 California Code of Regulation section 1900.

VENEER: thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated Veneer lumber, or other products.

VIRGIN MATERIALS: materials that contain no post-consumer Coatings or secondary industrial materials.

VOLATILE FUEL: any fuel having a Reid vapor pressure of greater than 3.0 pounds per square inch when tested pursuant to the American Society of Testing and Materials (ASTM) Reid Vapor Pressure test method, or having a true vapor pressure of greater than 3.0 pounds per square inch absolute at 100°F if the ASTM Reid Vapor Pressure test is not applicable.

VOLATILE ORGANIC COMPOUND (VOC): any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

1. methane;
   methylene chloride (dichloromethane);
   1,1,1-trichloroethane (methyl chloroform);
   trichlorofluoromethane (CFC-11);
   dichlorodifluoromethane (CFC-12);
   1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
   1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
   chloropentafluoroethane (CFC-115);
   chlorodifluoromethane (HCFC-22);
   2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
   2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
   1,1-dichloro-1-fluoroethane (HCFC-141b);
   1-chloro-1,1-difluoroethane (HCFC-142b);
   trifluoromethane (HFC-23);
   pentafluoroethane (HFC-125);

1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes;
the following classes of perfluorocarbons:

(A) cyclic, branched, or linear, completely fluorinated alkanes;
(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
(D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and

2. the following low Reactive Organic Compounds which have been exempted by the US EPA:
acetone;
ethane;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene;
methyl acetate;
propylene carbonate and
dimethyl carbonate

3. Perfluorocarbon and Methylated Siloxane compounds shall be assumed to be absent from any product or process unless the manufacturer or operator indicates which specific, individual compounds from these broad classes are present, indicated the amount(s) present, and demonstrates the availability of a test method approved by the US EPA, the CARB, and the District for verifying the amount(s) present quantitatively.

4. Tertiary-Butyl Acetate (also known as t-butyl acetate, TBAC or TBAc) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements, but will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements with apply to VOC's.

VOC ACTUAL: VOC Actual is the weight of VOC per volume of Coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(Ws-Ww-Wec)}{(Vm)}$$

Where:
VOC Actual = the grams of VOC per liter of Coating (also known as “Material

		VOC")
Ws	=	weight of volatiles, in grams
Ww	=	weight of water, in grams
Wec	=	weight of exempt compounds, in grams
Vm	=	volume of Coating, in liters

VOC CONTENT: the weight of VOC per volume of Coating. VOC Content is VOC Regulatory, as defined within this rule under VOC Regulatory, for all Coatings except those in the Low Solids category. For Coatings in the Low Solids category, the VOC Content is VOC Actual, as defined within this rule under VOC Actual. If the Coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the Coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

VOC REGULATORY: VOC Regulatory is the weight of VOC per volume of Coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(Ws-Ww-Wec)}{(Vm-Vw-Vec)}$$

Where:

VOC Regulatory	=	grams of VOC per liter of Coating, less water and exempt compounds (also known as "Coating VOC")
Ws	=	weight of volatiles, in grams
Ww	=	weight of water, in grams
Wec	=	weight of exempt compounds, in grams
Vm	=	volume of Coating, in liters
Vw	=	volume of water, in liters
Vec	=	volume of exempt compounds, in liters

WASTE HEAT RECOVERY BOILER: means Waste Heat Recovery Boilers used to recover sensible heat from unfired Waste Heat Recovery Boilers and from the exhaust of any combustion Equipment.

WATER TREATMENT ADDITIVES: any combination of chemicals used to treat cooling tower water. They include, but are not limited to, corrosion inhibitors antiscalants, dispersants and biocides.

WATERPROOFING CONCRETE/MASONRY SEALER: a clear or pigmented film-forming Coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

WATERPROOFING MEMBRANE: a clear or opaque Coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes must meet the following criteria:

1. Coating must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and

2. Coatings must meet or exceed the requirements contained in ASTM C836-06, incorporated by reference in Rule 424, subsection G.5.s.

The Waterproofing Membrane category does not include Topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck Topcoats, pedestrian deck Topcoats, etc.).

WATERPROOFING SEALER: a Coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

WIPE CLEANING: method of cleaning which utilizes a cloth, cotton swab or other material, wetted with an Organic Solvent, which is physically rubbed on surface to be degreased.

WOOD COATINGS: Coatings labeled and formulated for application to Wood Substrates only. The Wood Coatings category includes the following clear and semitransparent Coatings: Lacquers; Varnishes; Sanding Sealers; penetrating oils; clear Stains; wood conditioners used as undercoats; and wood sealers used as Topcoats. The Wood Coatings category also includes the following opaque wood Coatings: opaque Lacquers; opaque Sanding Sealers; and opaque Lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or Coatings intended for substrates other than wood.

Wood Coatings must be labeled “For Wood Substrates Only”, in accordance with Rule 424, subsection E.13.

WOOD PRESERVATIVE: a Coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the US EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq*.) and with the California Department of Pesticide Regulation.

WOOD SUBSTRATE: a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

ZINC-RICH PRIMER: a Coating that meets all of the following specifications:

1. Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and

2. Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of Coatings; and

3. Coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Rule 424, subsection E.14.

RULE 115 LEGAL APPLICATION AND INCORPORATION OF OTHER REGULATIONS

(Adopted 11/19/85; Revised 9/14/99)

A. All sections contained in the California Health and Safety Code relating to Air Pollution Control shall have application in the Imperial County Air Pollution Control District unless superseded by more stringent provisions in these rules and regulations.

B. The Air Pollution Control Officer shall enforce those applicable Health and Safety Code regulations in the same manner as if they were set forth in these regulations.

C. Permits issued by the Air Pollution Control District shall include language requiring compliance with all applicable air pollution control regulations of state, federal, and local agencies. Air emission or performance standards of state or federal agencies may be required in connection with permits issued. Violation of such regulations or required standards shall be considered as a violation of conditions of the permit.

D. The incorporation of, or reference to, regulations of other governmental agencies by the Imperial County Air Pollution Control District is not meant to interfere in any way with the procedures or enforcement activities of these other agencies. No applicant, or any other Person, is relieved of any obligation to comply with the regulations of other governmental agencies, by the incorporation of, or reference to, any other agency's regulations.

E. The Air Pollution Control Officer shall insure that applicants for permits, and other interested Persons, are made aware of the existence of air pollution control regulations of other agencies. The Air Pollution Control Officer may prepare summaries of such regulations and make them available at a reasonable cost.

RULE 206 PROCESSING OF APPLICATIONS

(Adopted 2/21/72; Revised 9/14/99; 10/10/2006; 10/22/2013)

A. Guidelines

A.1 The Air Pollution Control Officer (APCO) shall prepare guidelines for the processing of applications and issuance of permits, to implement and supplement the provisions of these Rules and other laws (notably Article 1, Chapter 4, Part 4, Division 26 of the Health and Safety Code and Chapter 4.5, Division 1, Title 7, of the Government Code).

A.2 The APCO shall determine whether the application is complete not later than 30 days after receipt of the application, or after such longer time as both the applicant and the APCO may agree. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements established by the District. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

A.3 Guidelines and procedures for processing and issuing permits shall insure that:

A.3.a no Project will prevent or interfere with the attainment or maintenance of applicable Ambient Air Quality Standards, and

A.3.b no Project will be permitted unless the APCO is satisfied that all applicable Rules, orders, and regulations will be complied with.

A.4 The APCO shall provide guidelines specifying criteria and methods for the calculation of emissions, required by these Rules, and pursuant to applicable state and federal requirements.

A.4.a Fugitive Emissions shall be included in the assessment of emissions for a Project.

A.4.b Mobile sources (e.g. trucks, forklifts, tractors, etc.) whose activity is predominantly "on-site" shall be included in the assessment of emissions for a Project.

A.4.c Toxic and hazardous air contaminants may be restricted. Beyond

the provisions of Rule 407 (Nuisance), the APCO shall take reasonable steps to insure that no Project will emit Air Contaminants that may endanger the short or long term health, safety or property of Persons. The APCO may include emission standards for toxic and hazardous Air Contaminants as conditions of permits even where standards for such materials have not been established by state, federal, or other agencies, if based upon a substantial body of responsible literature and data.

A.5 The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in Rule 207 shall apply.

MAJOR PROJECT: means a Project which will emit pollutants under any of the following conditions: 250 or more lbs/day controlled for any single pollutant; 100 or more tons/yr uncontrolled for any single pollutant; 250 or more tons/yr uncontrolled for all emissions combined.

MINOR PROJECT: means a Project for which uncontrolled emissions will not exceed 35 lbs/day of any pollutant, and for which there will be no emission of pollutants which are toxic Air Contaminants or for which the District has been designated nonattainment.

B. Ministerial Permits

B.1 Burn permits, permits for Minor Projects, transfer of named permittee, annual renewals, and permits to operate issued pursuant to a valid Authority to Construct permit, shall be considered ministerial. All other permits shall be considered discretionary permits, and subject to Section C of this Rule.

B.2 Projects which do not require Control Equipment and for which malfunction of normal operating Equipment cannot result in emissions in violation of any Rule or standard, shall be considered ministerial.

B.3 The APCO may determine, upon significant evidence, that an application should not be processed as ministerial. Such decision may be appealed to the Hearing Board.

B.4 Within ten (10) days of acceptance as complete, the APCO shall approve an application for a ministerial Project which complies with all applicable Rules, procedures, and guidelines, and issue the permit, or shall deny the application and give the applicant a written statement of the reasons for the denial.

B.4.a Failure of the APCO to either approve or deny a ministerial permit

within the prescribed time limits shall be deemed an approval if all fees have been paid and the Project complies with all Rules and regulations.

B.5 Any Project that meets the definition of a Major Stationary Source or a Major Modification, as defined in Rule 207, shall not be considered a ministerial permit

C. Discretionary Permits

C.1 Following acceptance of an application for a discretionary permit as complete, the APCO shall perform the evaluations and environmental impact analysis required to determine compliance with all applicable Rules and regulations and make a preliminary written decision as to whether the permit should be approved, conditionally approved, or disapproved. The APCO shall deny any application if the APCO finds that the subject of the application would not comply with the requirements of this Rule or any other applicable Rule or regulation. The decision shall be supported by a succinct written analysis.

C.2 Within ten (10) calendar days following the preliminary decision, the APCO shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The District shall transmit to the applicant, the California Air Resources Board (CARB), the United States Environmental Protection Agency (US EPA), and to any Person requesting such information its preliminary written decision (including proposed conditions of approval represented by permit conditions), the APCO's analysis, and a copy of the notice submitted for publication, no later than the date of publication.

C.3 The requirements of Subsection C.2 shall not apply if the Potential to Emit of the new or modified Stationary Source is less than the values listed below, in terms of lbs/day or tons/year, as listed.

Pollutant	Lbs/day	Tons/year
VOC, Nitrogen oxides, Sulfur dioxide, Total Reduced Sulfur Compounds or Hydrogen Sulfide	100	
PM10 (non-fugitive) PM10 (including fugitive)	80 100	
PM2.5	40	
Carbon Monoxide (Offsets required)	137	
Carbon Monoxide (Offsets not required)	550	
Fluorides	16	
Sulfuric Acid Mist	38	

Pollutant	Lbs/day	Tons/year
Lead (Actual emissions)		5.0

C.4 The APCO shall make available for public inspection at the District office, the information submitted by the applicant and the APCO's analysis no later than the date the preliminary decision is published. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Code of Regulations.

C.5 Within 180 days after acceptance of an application as complete, or within 180 days (or one year if the District is lead agency) after the designated lead agency has approved the Project under the California Environmental Quality Act, whichever occurs later, the APCO shall take final action on the application after considering all written comments.

C.6 The APCO shall provide written notice of the final permit action to the applicant, the US EPA, and the CARB and shall publish such notice on the District's website or in a newspaper of general circulation in the District. The APCO shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. The requirements of Subsection C.6 shall not apply if the Potential to Emit of the new or modified Stationary Source is less than the emission rates listed in Section C.3 above.

C.7 Failure of the APCO to either approve or deny a discretionary permit within the prescribed time limits shall be deemed a denial. In such case the applicant may appeal, pursuant to the Hearing Board procedures, but without paying the appeal fee.

C.8 A Notice of Determination, pursuant to the California Environmental Quality Act, shall be filed, for approved Projects.

C.9 For Major Stationary Sources or Modifications to Major Stationary Sources, a copy of the approved permit shall be sent to the CARB and the US EPA, and make copies of the final approval and supporting documents available for public inspection.

RULE 207 NEW AND MODIFIED STATIONARY SOURCE REVIEW

(Adopted prior to 3/17/80; Revised 9/7/93; 9/14/99; 10/22/2013: 9/11/2018)

A. General

A.1 Purpose:

A.1.a This Rule establishes preconstruction review requirements for new and modified Stationary Sources to ensure that the operation of such Sources do not interfere with the attainment or maintenance of Ambient Air Quality Standards (AAQS).

A.1.b This Rule shall provide for no net increase in emissions, pursuant to Health and Safety Code (H&SC) Section 40918, from new or modified Stationary Sources, which emit or have the Potential to Emit 137 pounds per day or more of any Nonattainment Pollutant or their Precursors.

A.2 Applicability:

A.2.a This Rule shall apply to all new Stationary Sources and all Modifications to existing Stationary Sources, which are subject to District permit requirements, and after Construction, emit or have the Potential to Emit one or more Affected Pollutants.

A.2.b Applications received by the District shall be subject to the requirements of this Rule in effect at the time such application is deemed complete, except when a more stringent new federal requirement not yet incorporated into this Rule shall apply to the new or modified Stationary Source.

A.2.c PUBLIC NOTIFICATION AND PUBLIC INSPECTION REQUIREMENTS: All applications for any new or modified Stationary Source or Emissions Unit shall be processed following the provisions of Rule 206, Processing of Applications, and shall be finalized by the Air Pollution Control Officer (APCO) only after being subject to the public notice and comment requirement of Rule 206.

A.2.d If any Source or Modification becomes a Major Stationary Source or Major Modification, as defined in this Rule, solely by virtue of a relaxation in any federally enforceable limitation which was established after August 7, 1980, on a capacity of the Source or Modification to emit a federal Nonattainment Pollutant or its Precursor such as a restriction on hours of operation, then the requirements of this Rule shall apply to such a Source or Modification as though construction had not yet commenced on the Source or

Modification.

B. Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in 40 Code of Federal Regulations (CFR) 51.165, as of July 1, 2012, shall apply.

ACTUAL EMISSIONS: measured or calculated emissions, which most accurately represent the emissions from an Emissions Unit. Determination of Actual Emissions must be based on average actual production rates, fuel consumption and/or throughput rates from the last consecutive 24 months. Emission factors shall be established by Source testing or obtained from AP-42 or other approved sources.

ACTUAL EMISSIONS REDUCTIONS (AER): reductions of Actual Emissions from an Emissions Unit, calculated pursuant to Section E.2, which are Real, Quantifiable, Surplus, Permanent and Enforceable.

ACTUAL INTERRUPTIONS OF POWER: the interruption of electrical service by an unforeseeable event.

AFFECTED POLLUTANTS: pollutants for which an Ambient Air Quality Standard (AAQS) have been established by the United States Environmental Protection Agency (US EPA) or the California Air Resources Board (CARB) and the Precursors to such pollutants, and those pollutants regulated by the US EPA under the Clean Air Act (CAA) or by the CARB under the H&SC, except for greenhouse gases and hazardous air pollutants, including but not limited to: Volatile Organic Compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}), Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers ($PM_{2.5}$), carbon monoxide (CO), lead, fluorides, sulfuric acid mist, hydrogen sulfide, and total reduced sulfur compounds. The term *Affected Pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, and which have not been delisted pursuant to Section 112(b)(3) of the CAA, unless the listed hazardous air pollutant is also regulated as a constituent or Precursor of a general pollutant listed under Section 108 of the CAA.

AGRICULTURAL SOURCE: means a Source of air pollution or a group of Sources used in the production of crops, or the raising of fowl or animals located on Contiguous Property under common ownership or control that meets any of the following criteria;

1. is a Confined Animal Facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or

system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

2. is an Internal Combustion Engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the H&SC, except an engine that is used to propel implements of husbandry.

3. is a Title V Source or is a Source that is otherwise subject to regulation by the District or the CAA.

AIR POLLUTION CONTROL OFFICER (APCO): the person appointed by the Air Pollution Control Board and assigned to manage and direct the business and operations of the District, or their designee.

AMBIENT AIR QUALITY STANDARDS (AAQS): for the purposes of this Rule, Ambient Air Quality Standards (AAQS) shall be interpreted to include State and National AAQS. For the purposes of submittal of this Rule to the US EPA for inclusion in the California State Implementation Plan (SIP) all references in this Rule to AAQS shall be interpreted as National AAQS.

AUTHORITY TO CONSTRUCT: a written permit issued by the District for the Construction, installation, assembly, Modification, or replacement of any facility, article, machine, Equipment, or other contrivance.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT): for any Emissions Unit the more stringent of:

1. the most effective emission Control Device, emission limit, or technique which has been achieved in practice for such class or category of Source.

2. any other alternative emission Control Device, emission control technique, basic Equipment, fuel, or process determined to be technologically feasible and cost-effective by the APCO. Cost-effectiveness analyses shall be performed in accordance with methodology and criteria specified in the Best Available Control Technology Guideline for the South Coast Air Quality Management District, or an alternative methodology and criteria acceptable to the APCO.

3. under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of law or

regulation of the District, State and federal government, or the most stringent emissions limitation which is contained in the implementation plan of any State, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not technologically achievable. In no event shall the application of BACT result in the emissions of any pollutant which exceeds the emissions allowed by any applicable New Source Performance Standard (40 CFR, part 60) or National Emission Standard for Hazardous Air Pollutants (40 CFR, part 61 or part 63).

CARGO CARRIERS: Cargo Carriers are trains dedicated to a specific Stationary Source. For purposes of this Rule, the term "trains dedicated to a specific Stationary Source" shall not include any train for which the prime mover is owned and operated by a common carrier, and by which cargo is delivered to or from the Stationary Source under a contract of common carriage. The emissions from all trains dedicated to a specific Stationary Source, while operating in the District, including directly emitted and Fugitive Emissions, shall be considered as emissions from the Stationary Source.

CLASS I AREA**:** any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore.

CLEAN AIR ACT (CAA): the Federal Clean Air Act (42 United States Code Section 7401 et seq.) and implementing regulations.

CODE OF FEDERAL REGULATIONS (CFR): the United States document codifying federal regulations.

COMPLETE APPLICATION: completeness of an application for an Authority to Construct a new or modified Emissions Unit shall be evaluated on the basis of a list of required information which has been adopted by the District.

CONSTRUCTION: any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or Modification of an Emissions Unit) which would result in a change in emissions.

CONTIGUOUS PROPERTY: two or more Parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

CONTROL DEVICE: any device for reducing emissions into the Atmosphere.

CONTROL EQUIPMENT: air pollution Control Equipment that eliminates, reduces or controls the issuance of air emissions.

DAILY EMISSIONS LIMIT: one or a combination of permit conditions, specific to an Emissions Unit, which restricts its maximum daily emissions, in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limit must be:

1. contained in and Enforceable by the latest Authority to Construct or the latest Permit to Operate for the Emissions Unit, and

2. Enforceable on a daily basis, and

3. established pursuant to a permitting action occurring after September 7, 1993.

DISTRICT: the Imperial County Air Pollution Control District (ICAPCD).

EMISSION REDUCTION CREDITS (ERC's): reductions of Actual Emissions from an Emissions Unit that are registered with the District in accordance with the requirements of Rule 214.

EMISSION INCREASE: means any increase in a Stationary Source or an Emissions Unit's Potential to Emit. For determining if a Project will result in a new Major Stationary Source or a Major Modification and the amount of offsets required for such projects, an emission increase means the difference between a Stationary Source or an Emissions Unit's Potential to Emit and its Historic Actual Emissions.

EMISSIONS UNIT: an identifiable operation or piece of process Equipment, such as an article, machine, or other contrivance, which emits, has the Potential to Emit, or results in the emissions of any air pollutant directly or as Fugitive Emissions.

ENFORCEABLE: means certain actions, which are assured by verifiable and legally binding conditions in an Authority to Construct and/or Permit to Operate.

EQUIPMENT: includes any article, machine, or contrivance that emits, has the Potential to Emit, or reduces emissions of any air pollutant emitted directly or as Fugitive Emissions.

ERC: see Emission Reduction Credits.

FEDERAL LAND MANAGER**:** the Secretary of the Department with authority over the specified federal lands.

FLUORIDES: elemental fluorine and all fluoride compounds.

FUGITIVE EMISSIONS: those emissions, which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HALOGENATED HYDROCARBONS: all Halogenated Hydrocarbons listed as exempt under the definition of Volatile Organic Compounds.

HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

HISTORIC ACTUAL EMISSIONS: Actual Emissions from an existing Emissions Unit averaged over a 24 month period immediately preceding the date of application. The APCO may approve another 24 month period within the last 60 months, if the APCO determines that the other period is more representative of normal operations. Where an Emissions Unit has been in operation for less than 24 months a shorter averaging period of at least 12 months may be used providing it represents the full operational history of the Emission Unit. The Historic Actual Emissions from Emission Units which have been in operation for less than 12 months shall be equal to zero. Historic Actual Emissions are to be calculated in pounds per quarter for each calendar quarter. Historic Actual Emissions in quarters 2 or 3 may be lowered by transferring these emissions to quarters 1 or 4, provided that the resulting emissions in quarters 1 or 4 are no higher than the higher of quarters 2 or 3.

IDENTICAL REPLACEMENT UNIT: a replacement Emissions Unit which is the same as the original unit in all respects except for the serial number.

MAJOR MODIFICATION: a Modification to a Major Stationary Source which results in a Significant Emission Increase and a Significant Net Emission Increase of the pollutant for which the Stationary Source is classified as a Major Stationary Source.

MAJOR STATIONARY SOURCE: means a Stationary Source, which emits, or has the Potential to Emit 100 tons per year (tpy) or more of Volatile Organic Compounds or Oxides of Nitrogen, or 70 tpy or more of PM_{10}, or a PM_{10} Precursor or 100 tpy or more of $PM_{2.5}$ or a $PM_{2.5}$ Precursor. In addition, any physical change occurring at a Stationary Source which is not already a Major Stationary Source, and which Modification would constitute a Major Stationary Source by itself, makes the Source a Major Stationary Source. For $PM_{2.5}$ and $PM_{2.5}$ precursors, this definition applies only to Stationary Sources located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

MODIFICATION: any physical change, change in method of operation of, or addition to, an existing Emissions Unit, or any change in hours of operation or production rate which would necessitate a change in permit conditions.

Unless previously limited by a permit condition, the following shall not be considered a Modification:

1. change in ownership of an existing Stationary Source with valid Permit(s)

to Operate.

2. routine maintenance or repair.

3. an Identical Replacement Unit, if the Modification does not result in a Major Modification.

A Modification of an Emissions Unit also occurs when there is an increase in emissions from such a unit caused by a Modification of the Stationary Source and the Emissions Unit is not subject to a Daily Emissions Limit.

A Modification to a Stationary Source shall include any Modification of its permitted Emissions Unit(s) or the addition of any new Emissions Unit(s).

A Reconstructed Stationary Source shall be treated as a new Stationary Source and not as a Modification.

NONATTAINMENT AREA: an area designated by a State or federal agency as exceeding a State or National Ambient Air Quality Standard.

NONATTAINMENT POLLUTANT: any pollutant or Precursor which has been designated "nonattainment" by the US EPA as codified in 40 CFR Section 81.305 or that has been designated “nonattainment” by the CARB pursuant to H&SC Section 39607.

OFFSET: the use of an emission decrease to compensate for an Emission Increase from a new or modified Stationary Source subject to the requirements of Rule 207.

PARTICULATE MATTER: any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. Dust shall also be considered as Particulate Matter.

PARTICULATE MATTER (PM_{10}): Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PARTICULATE MATTER ($PM_{2.5}$): Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PERMANENT: the actual emission reductions that continue or endure for the duration of any Project utilizing the resulting ERC’s as Offsets.

PERMIT TO OPERATE: the written permit issued by the District for the operation of any facility, article, machine, Equipment, Emission Unit or other contrivance.

PERSON: any person, firm, association, organization, partnership, business trust, corporation, company, limited liability company, contractor, supplier, installer, user or owner, or any federal, State or local government agency, public district, or any officer or employee thereof.

$PM_{2.5}$ NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

POTENTIAL EMISSIONS: the sum of the maximum emissions from all Emissions Units at a Stationary Source, based on the maximum design capacity, unless otherwise limited by practically and legally Enforceable conditions contained in the Authority to Construct and/or Permit to Operate, expressed in terms of pounds per quarter. (Pounds per quarter for PM_{10}, $PM_{2.5}$ and sulfur oxides shall be determined by multiplying the Daily Emission Limit, in pounds per day, by the permitted operating days per quarter.)

POTENTIAL TO EMIT: the maximum capacity of an Emissions Unit to emit an Affected Pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the Emissions Unit to emit a pollutant, including air pollution Control Equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as a practically and legally Enforceable permit condition.

PRECURSOR: a directly emitted Affected Pollutant that, when released into the Atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a State or National AAQS has been adopted, or whose presence in the Atmosphere will contribute to the violation of one or more State or National AAQS. The following Precursor secondary pollutant relationships shall be used for the purposes of this Rule:

PRECURSORS	SECONDARY POLLUTANTS
Hydrocarbons and substituted hydrocarbons (Volatile Organic Compounds).	a) Photochemical Oxidant (Ozone) b) The organic fraction of PM_{10} c) Organic fraction of $PM_{2.5}$

Nitrogen Oxides (NOx)	a) Nitrogen Dioxide (NO_2) b) The nitrate fraction of PM_{10} c) Photochemical Oxidant (Ozone) d) The nitrate fraction of $PM_{2.5}$
Sulfur Oxides (SOx)	a) Sulfur Dioxide (SO_2) b) Sulfates (SO_4) c) The sulfate fraction of PM_{10} d) The sulfate fraction of $PM_{2.5}$
Ammonia	a) The ammonium fraction of $PM_{2.5}$

PROJECT: activity, for which a permit is required, or that has the Potential to Emit Air Contaminants. A Project includes all of the Emission Units associated with the scope of the preconstruction application for a new or modified Stationary Source and any Emissions Unit(s) indirectly affected.

PROPOSED EMISSIONS: the Potential to Emit for a new or post Modification Emissions Unit.

QUANTIFIABLE: means a reliable, replicable and accurate basis for calculating the amount, rate, nature and characteristic of an emission reduction by adhering to a quantification protocol that can be established considering US EPA, CARB and District policies and procedures.

QUARTERLY: the calendar quarter beginning on January 1, April 1, July 1, and October 1.

REAL: a "real" emission reduction means that actual air emissions are reduced and that they are actually occurring and not artificially devised.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): is the most stringent of the following control options:

1. the most effective emission limits in existing regulations that are currently in effect in any District whose nonattainment status is designated as moderate, with such limits resulting from the application of retrofit technologies judged by the APCO to be demonstrated and reliable.

2. emission limits identified in existing Suggested Control Measures (SCM's), model rules, the US EPA's Control Techniques Guidelines (CTG's) or other such documents.

3. emission limits in new (post 1988) SCM's and the technical review group of the California Air Pollution Control Officers Association approved Reasonably Availability Control Technology/Best Available Retrofit Control

Technology (RACT/BARCT) determinations, which are not identified as BACT and are less stringent than BACT.

4. the lowest emission limit that can be achieved by the specific Source by the application of control technology taking into account environmental impacts, technological feasibility, cost-effectiveness, and the specific design features or extent of necessary Modifications to the Source. Emission limits for existing specific Sources may be found in the field studies and evaluations of District regulations conducted by the US EPA and the CARB.

5. the lowest emission limit achieved for the Source category that is technically feasible, economically reasonable and achieved in practice anywhere (including outside the United States), with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.

6. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

RECONSTRUCTED STATIONARY SOURCE: any Stationary Source undergoing physical Modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new Stationary Source. Fixed capital cost means that capital needed to provide all the depreciable components.

RULE: a Rule of the Air Pollution Control District of Imperial County.

SHUTDOWN: means an action necessary to cease operation of an Emissions Unit and includes the amount of time needed to safely do so. For the purposes of calculating ERC's, means the Permanent cessation of emissions from an emitting unit and the surrender of the operating permit.

SIGNIFICANT: in reference to an Emission Increase or the potential of a Source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

1. $PM_{2.5}$: 10 tpy of direct $PM_{2.5}$ or 40 tpy of sulfur dioxide, nitrogen oxide, VOCs or Ammonia.

2. Nitrogen oxides: 40 tpy;

3. Sulfur dioxide: 40 tpy;

4. VOC's: 40 tpy; and

5. PM_{10}: 15 tpy.

SIGNIFICANT EMISSION INCREASE: an increase in emissions that is Significant for that pollutant.

SIGNIFICANT NET EMISSION INCREASE: an increase in net emissions that is Significant for that pollutant. The “net emission increase” shall be determined as defined in 40 CFR 51.165.

SOURCE: a specific device, article, or piece of Equipment from which Air Contaminants are emitted, or the distinct place (such as with fires or other chemical activity) from which Air Contaminants are emitted. A Project or facility may have more than one Source and the term may be used to describe a group of "Sources."

STATIONARY SOURCE: any building, structure, facility, Equipment, or Emissions Unit which emits or may emit any Affected Pollutant directly or as a Fugitive Emission. Building, structure, or facility includes all pollutant emitting activities, including Emission Units, which:

1. are located on one or more contiguous or adjacent properties, and

2. are under the same or common ownership or operation, or which are owned or operated by entities which are under common control, and

3. belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common production process, industrial process, manufacturing process, or connected process involving a common raw material.

SURPLUS: the amount of emission reductions that are, at the time of generation of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. For the purposes of Sections C.2.c and C.2.d, “Surplus” means the amount of emission reductions that are, at the time of use of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. However, emission reductions required by a State statute that provides that the subject emission reductions shall be considered Surplus may be considered Surplus for purposes of this Rule if those reductions meet all other requirements of this section. Examples of federal, State, and local laws and of SIP-related requirements include, but are not limited to, the following:

1. the federally-approved California SIP;

2. other adopted State air quality laws, and regulations not in the SIP, including

but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally-required and publicly-available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;

3. any other Source or Source-category specific regulatory or permitting requirement, including, but not limited to, RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and the Lowest Achievable Emission Rates (LAER); and

4. any regulation or supporting documentation that is required by the CAA but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an Enforceable near-term emissions reduction commitment; assumptions used in conformity demonstrations, and assumptions used in emissions inventories.

5. emission reductions produced by monies from any public air quality related funding program including but not limited to the Carl Moyer Memorial Air Quality Standards Attainment Program and the vehicle registration surcharge fee.

TOTAL REDUCED SULFUR COMPOUNDS: the sulfur compounds methyl mercaptan, dimethyl sulfide, dimethyl disulfide, carbon disulfide, and carbonyl sulfide.

TRANSFER: in reference to ERC’s, means the conveyance of an ERC from one entity to another.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA): the Administrator or appropriate delegate of the "United States Environmental Protection Agency."

VOLATILE ORGANIC COMPOUND (VOC): any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

1. Methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);

dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
trifluoromethane (HFC-23);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes;
the following classes of perfluorocarbons:

(A) cyclic, branched, or linear, completely fluorinated alkanes;
(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
(D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and

2. the following low-Reactive Organic Compounds which have been exempted by the US EPA:
acetone;
ethane;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene;
methyl acetate;
propylene carbonate and
dimethyl carbonate

3. Perfluorocarbon and Methylated Siloxane compounds shall be assumed to be absent from any product or process unless the manufacturer or operator indicates which specific, individual compounds from these broad classes are present, indicated the amount(s) present, and demonstrates the availability of a test method approved by the US EPA, the CARB, and the District for verifying the amount(s) present quantitatively.

4. Tertiary-Butyl Acetate (also known as t-butyl acetate, TBAC or TBAc) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements, but will continue to be a VOC for

purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements with apply to VOCs.

C. Standards

C.1 Best Available Control Technology (BACT)

C.1.a An applicant shall apply (BACT) on a pollutant by pollutant basis to any new Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For $PM_{2.5}$ this provision applies only to Emissions Units located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.1.b An applicant shall apply (BACT) on a pollutant by pollutant basis to any modified Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For $PM_{2.5}$ this provision applies only to Emissions Units located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.1.c An applicant shall apply BACT to any new or modified Emissions Unit with a Potential to Emit equal to or greater than the following:

POLLUTANT	LBS/DAY
Carbon monoxide (CO attainment areas only).....	550
Lead…….....	3.3
Fluorides.....	16
Sulfuric Acid Mist.....	38
Hydrogen Sulfide.....	55
Total Reduced Sulfur Compounds.....	55

BACT shall be applied for each pollutant(s) for which a threshold is exceeded. For the purpose of submittal of Rule 207 to the US EPA for inclusion in the California SIP, this Subsection shall not be included.

C.1.d For projects to be constructed in phases, the BACT determination for Equipment to be added or modified in each phase shall be reevaluated no more than 18 months prior to the commencement of construction of that phase of the project. If it is determined that current BACT will result in lower emissions than previously determined, then current BACT shall be applied. Equipment which was installed during prior phases and which will not be modified during the current phase shall not be subject to the redetermination of the BACT.

C.1.e Cargo Carriers shall not be required to implement BACT.

C.1.f BACT shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit used solely for the purpose of compliance with District, State, or federal air pollution control laws, regulations, or orders, as approved by the APCO, provided there is no increase in the permitted production rate, operating schedule, or maximum Equipment rating; and the new or modified Emissions Unit does not result in a new Major Stationary Source or Major Modification. This exemption applies only to the primary pollutant for which compliance with District, State, or federal air pollution control laws, regulations, or orders is required. The APCO shall require the use of RACT for control of consequent pollutants that are the direct result of the use of an abatement device or emission reduction techniques implemented to comply with the BACT requirements for control of another pollutant.

C.1.g BACT shall not be required for any Modification of an existing Emissions Unit used for voluntary emission reductions for the sole purpose of generating ERC's. This exemption applies only to the pollutant for which ERC's are obtained.

C.1.h For emergency standby Equipment which meets the requirements of Section C.2.g, only those emissions which occur during routine operation of the Equipment for maintenance purposes shall be considered for the purpose of determining if the application of BACT is required for the emergency standby Equipment.

C.1.i BACT for ammonia emissions shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit, provided the increase in ammonia emissions does not result in a new Major Stationary Source or Major Modification for ammonia.

C.1.j BACT for ammonia emissions shall only apply to Emissions Units located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.2 Offset Requirements General: Offsets are Actual Emission Reductions (AER's), calculated pursuant to Section E of this Rule, sufficient to Offset Emission Increases from a new or modified Emissions Unit. A new or modified Emissions Unit subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter as specified in Subsection C.3. The quantity of emissions to be offset shall be based on an initial estimate of proposed Emission Increases for the Project. The APCO shall require the use of acceptable methods to accurately estimate the emissions from the proposed Project, and shall require acceptable methods to measure those emissions once the Source is operating.

C.2.a Offsets shall be required for any new or modified Stationary Source with a daily Potential to Emit, calculated pursuant to Subsection E.3, equal to or exceeding the following:

POLLUTANT	LBS/DAY
Volatile Organic Compounds	137
Nitrogen Oxides	137
Sulfur Oxides	137
PM_{10}	137
Carbon Monoxide (See Section C.2.h.).....	137

For the purpose of submittal of Rule 207 to the US EPA for inclusion in the California SIP, Subsection C.2.a shall not be included.

C.2.b A new Stationary Source or Modification of an existing Stationary Source which, on or after September 7, 1993, will result in a Potential to Emit for the Stationary Source of 137 pounds per day or more of nitrogen oxides, Volatile Organic Compounds, carbon monoxide, sulfur oxides, or PM_{10}, shall Offset all Emission Increases, including Cargo Carrier and Fugitive Emissions, which cause the Stationary Source Potential to Emit to exceed 137 pounds per day of nitrogen oxides, Volatile Organic Compounds, carbon monoxide, sulfur oxides, or PM_{10}. For the purpose of submittal of Rule 207 to the US EPA for inclusion in the California SIP, Subsection C.2.b shall not be included.

C.2.c Major Stationary Source Requirement to Provide Offsets: A Stationary Source whose Project emissions will result in a new Major Stationary Source determination shall Offset all Emission Increases from the Project for each Nonattainment Pollutant that constitutes a Major Stationary Source. For $PM_{2.5}$, this provision applies only to Stationary Sources located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.2.d Major Modification to a Major Stationary Source Requirement to Provide Offsets: A Modification of an existing Major Stationary Source whose Project emissions will result in a Major Modification shall Offset all Emission Increases that constitutes a Major Modification. For $PM_{2.5}$, this provision applies only to Stationary Sources located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.2.e The PM_{10} emissions from an existing Stationary Source shall be calculated using applicable PM_{10} emission factors.

C.2.f In no case shall Halogenated Hydrocarbons be used as Offsets for Volatile Organic Compounds.

C.2.g The APCO may exempt an applicant from the requirements of Sections C.2 and C.3 of this Rule for Equipment to be used exclusively as emergency standby Equipment for non-utility electrical power generation and not used in conjunction with any utility voluntary demand reduction program, provided:

C.2.g.1 Operation for maintenance purposes is limited to 100 hours per year, and such maintenance shall be scheduled in cooperation with the District so as to have no adverse air quality impact, and to maintain Reasonable Further Progress, and operation of diesel engines may be further limited by the CARB's Airborne Toxic Control Measure for Stationary Compression Engines pursuant to H&SC Section 93115.6(a), and

C.2.g.2 Operation for other than maintenance purposes shall be limited to Actual Interruptions of Power by the serving utility. Appropriate record keeping shall be required to verify and maintain this exemption.

C.2.h Offsets for carbon monoxide emissions from Sources located in carbon monoxide attainment areas shall not be required if the applicant demonstrates to the satisfaction of the APCO, pursuant to Section F of this Rule, that the carbon monoxide Emission Increases will not cause or contribute to a violation of AAQS.

C.2.i Upon approval by the APCO, an exemption from Sections C.2.a and C.2.b, shall be allowed, provided BACT is utilized, for the following subject permit units:

C.2.i.1 Abrasive Blasting Equipment, which has been registered under the Statewide Portable Equipment Registration Program (PERP).

C.2.i.2 Air Pollution Control Devices: Emission Increases, which do not result in a new Major Stationary Source or Major Modification, from an Emissions Unit that results from the installation, operation or other implementation of any emission Control Device or technique used to comply with a District, State, or federal emission control requirement, including, but not limited to, requirements for the use of RACT or Best Available Retrofit Control Technology (BARCT), unless there is a Modification that results in an increase in the capacity of the unit being controlled.

C.2.i.3 Emergencies: Emergencies which comply with the provisions of the Hearing Board Procedures for which Offsets are not required under those procedures.

C.2.j Except for Major Stationary Sources or Major Modifications, Agricultural Sources required to obtain a District permit shall be exempted from obtaining emission Offsets for any pollutant emitted from a particular Source, if the emissions from that Source would not meet the criteria necessary for creating Real, Permanent, Quantifiable, and Enforceable emission reductions.

C.3 Location of Offsets and Offset Ratios:

C.3.a A new or modified Stationary Source subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter equal to the Emission Increase for each calendar quarter, calculated in accordance with Section E of this Rule, and multiplied by using the appropriate Offset ratio listed in the following table:

LOCATION	Offset RATIO
Within the same Source	1 to 1
Within 50 miles of the Source	1.2 to 1
More than 50 miles from the Source, and within air basin	No greater than 3 to 1 or less than 1.2 to 1, as necessary to assure the Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS

C.3.b The APCO may impose, based on the air quality analysis, a higher Offset ratio such that the new or modified Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS.

C.3.c Offsets shall be obtained from emission Sources located within the same Nonattainment Area within the District as the proposed Source or an emission Source that is located in the same air basin and in a Nonattainment Area with equal or worse nonattainment status.

C.4 Offset Requirements:

C.4.a Offsets which are obtained to meet the requirements of Sections C.2 and C.3 from an air district other than that in which the proposed Source is located, but within the same air basin, may be used only if the APCO has reviewed the permit conditions issued by the air pollution control district in which the proposed Offsets are obtained

and certifies that such Offsets meet the requirements of H&SC Section 40709.6 and this Rule and will not be used as mitigation for any other new or modified Emissions Unit(s). Intra-District Offsets used to meet Major Stationary Source Offset requirements shall be approved by the US EPA.

C.4.b Interpollutant Offsets, including interpollutant trades between PM_{10} and PM_{10} Precursors, may be approved by the APCO on a case-by-case basis, provided that the trade is technically justified and that the applicant demonstrates to the satisfaction of the APCO that the emissions from the new or modified Source will not cause or contribute to a violation of an AAQS. The APCO shall, based on an air quality impact analysis, impose Offset ratios equal to or greater than those required in Section C.3 of this Rule. PM_{10} emission reductions shall not be allowed to Offset nitrogen oxide or Volatile Organic Compound Emission Increases in ozone Nonattainment Areas. PM_{10} emission reductions shall not be allowed to Offset sulfur oxide Emission Increases in sulfate Nonattainment Areas. Interpollutant Offsets between $PM_{2.5}$ and $PM_{2.5}$ Precursors are only allowed at specific ratios as approved into the SIP by the US EPA. Interpollutant Offsets used to meet federal Nonattainment Area Offset requirements shall be approved by the US EPA.

C.4.c Offsets for new or modified Stationary Sources shall occur during the same annual time period as the Stationary Source will operate.

C.4.d Source Shutdowns or permanent curtailments in production or operating hours occurring before an application for an ERC is filed per Rule 214 may not be used as Offsets.

C.5 Additional Source Requirements:

C.5.a Alternative Siting: The applicant shall prepare an analysis functionally equivalent to the requirements of Division 13, Section 21000 et. seq. of the Public Resources Code for Sources for which an analysis of alternative sites, sizes, and production processes is required under Section 173 of the CAA.

C.5.b Ambient Air Quality Standards:

C.5.b.1 Emissions from a new or modified Emissions Unit shall not cause or make worse a violation of an AAQS.

C.5.b.2 Section F of this Rule shall be used to estimate the effects of a new or modified Emissions Unit. In making this determination the APCO shall take into account the

increases in minor and secondary emissions as well as the mitigation of emissions through Offsets obtained pursuant to this Rule.

C.5.b.3 A new or modified Emissions Unit may be exempt from the provisions of Subsection C.5.b.2 provided that the new or modified Stationary Source is not subject to the public noticing requirements of Rule 206, Processing of Applications.

C.5.c Compliance By Other Owned, Operated, Or Controlled Sources: The Owner or Operator of a proposed new or modified Emissions Unit shall demonstrate to the satisfaction of the APCO that all Stationary Sources owned or operated by such Person (or by any entity controlling, controlled by, or under common control of such Person) in California which are subject to emission limitations, are in compliance or on a schedule for compliance with all applicable emission limitations and standards.

C.5.d Except for Major Stationary Sources or Major Modifications, Projects which burn municipal waste, landfill gas or digester gas shall also be reviewed consistent with H&SC Section 42314.1 and 42315.

C.5.e Issuance of an Authority to Construct shall not relieve any Owner or Operator of the responsibility to comply fully with any applicable provision of the District portion of the California SIP and any other requirements under District, State or federal law.

D. Administrative Requirements

The following administrative requirements, in addition to other requirements specified in all applicable District Rules and regulations, shall apply to all applications for a new or modified Emissions Unit, except for the review of power plants 50 megawatts and greater. Power plants 50 megawatts and greater shall be subject to the administrative requirements of Section D.4.

D.1 Authority To Construct - General Conditions:

D.1.a An Authority to Construct shall not be issued unless the new or modified Emissions Unit complies with the provisions of this Rule and all applicable District Rules and regulations.

D.1.b An Authority to Construct shall require a new or modified Emissions Unit be built in accordance with specifications and plans contained in the application and approved by the APCO.

D.1.c An Authority to Construct shall contain all conditions deemed necessary by the APCO to assure Construction and operation of an Emissions Unit in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations.

D.1.d An Authority to Construct shall include all conditions deemed necessary by the APCO to assure compliance with the Offset requirements of this Rule.

D.1.e An Authority to Construct permit shall include Daily Emission Limits which reflect applicable emission standards.

D.1.f The APCO shall consult with the Federal Land Manager on a proposed Major Stationary Source or Major Modification that may impact visibility in any Class I Area.

An Authority to Construct permit shall address the potential to impact air quality (including visibility) of any Class 1 federal area.

D.1.g Prior to approving an Authority to Construct for a new or modified Source which emits hazardous air emissions and which is located within 1,000 feet from the outer boundary of a school site, the APCO shall implement the provisions of H&SC Section 42301.6 through 42301.9. For the purpose of submittal of Rule 207 to the US EPA for inclusion into the California SIP, Subsection D.1.g shall not be included.

D.2 Permit to Operate - General Conditions:

D.2.a A Permit to Operate shall require that a new or modified Emissions Unit be operated in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations and as conditioned in the Authority to Construct.

D.2.b A Permit to Operate shall include Daily Emission Limits which reflect applicable emission standards.

D.2.c Prior to the issuance of a Permit to Operate the APCO shall make a determination that the Source complies with the conditions established in the Authority to Construct.

D.3 Offset Conditions:

D.3.a For any Stationary Source which provides emission Offsets, the Source's Permit to Operate shall be subject to Enforceable permit

conditions containing specific operational and Daily Emissions Limits, which ensure that the emission reductions are provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed Source which required Offsets.

D.3.b Where the Source of Offsets is not subject to a permit, a written contract shall be required between the applicant for the Source requiring Offsets and the Owner or Operator of the Offset Source, which contract, by its terms, shall be subject to the approval of, and Enforceable by the APCO. The Offset permits and contracts shall be submitted to the CARB for review and comment. A violation of the emission limitation provisions of any such contract shall invalidate the contract and the applicant for the Source using the Offsets shall be required to provide new Offsets. For the purpose of submittal of Rule 207 to the US EPA for inclusion into the California SIP, Subsection D.3.b shall not be included.

D.3.c Offsets required as a condition of an Authority to Construct or a Permit to Operate shall be Enforceable requirements at the time of Authority to Construct issuance and shall be in effect no later than the date of initial operation of the new or modified Emissions Unit. Where a new or modified Emissions Unit requires a shake-down period, and is a replacement for an existing Emissions Unit, the APCO may allow a maximum of 90 days as a start-up period for simultaneous operation of the existing Emissions Unit and the replacement Emissions Unit.

D.3.d For Major Stationary Sources and Major Modifications which are constructed in phases, the Authority to Construct shall clearly identify each phase of the p Project, the Emissions Unit(s) to be added at each phase, and the permitted emissions associated with those Emissions Units. The initial Authority to Construct for the Project shall identify sufficient Offsets for all Project phases in order to confirm Project feasibility. The Offsets for each phase shall (1) be implemented prior to the initiation of construction of that phase, (2) shall remain in effect for the life of the Equipment installed in that phase, (3) shall meet the Rules and regulations in effect at the time of initiation of construction for that phase, and (4) shall be reevaluated for consistency with local, State and federal requirements by the District not more than 18 months prior to the initiation of construction for that phase. The Permit to Operate for each phase of the p Project shall be issued separately, after the District finds that the above requirements, in addition to any other applicable requirements of these Rules and regulations, have been met.

D.4 Power Plants: This section shall apply to all power plants proposed to be constructed within Imperial County and for which a Notice of Intent (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

D.4.a Within 14 days of receipt of a NOI, the APCO shall notify the CARB and the California Energy Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to the CARB and the California Energy Commission prior to the conclusion of the nonadjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:

D.4.a.1 A specific preliminary determination of BACT for the proposed facility;

D.4.a.2 A preliminary discussion of whether there is substantial likelihood that the requirements of this Rule and all other District Rules and regulations can be satisfied by the proposed facility; and

D.4.a.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable District Rules or regulations.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

D.4.b Upon receipt of an application for certification for a power plant, the APCO shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the application for the certification does not meet the requirements of this Rule, the APCO shall, within 20 calendar days of receipt of the application for certification, so inform the California Energy Commission, and the application for certification shall be considered incomplete and returned to the applicant for re-submittal.

D.4.c The APCO shall consider the application for certification to be equivalent to an application for an Authority to Construct during the determination of compliance review, and shall apply all provisions of this Rule which apply to applications for an Authority to Construct.

D.4.d The APCO may request from the applicant any information necessary for the completion of the determination of compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.

D.4.e Within 180 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall make a preliminary decision on:

D.4.e.1 whether the proposed power plant meets the requirements of this Rule and all other applicable District regulations; and

D.4.e.2 in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.

D.4.e.3 The preliminary written decision under Subsection D.4.e shall be treated as a preliminary decision under Rule 206, Processing of Applications, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Rule 206. The APCO shall not issue a preliminary determination of compliance unless all requirements of this Rule are met.

D.4.f Within 240 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall issue and submit to the California Energy Commission a preliminary determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an Authority to Construct only when and if the California Energy Commission approves the application for certification, and the California Energy Commission certificate includes all conditions of the final determination of compliance.

D.4.g Any applicant receiving a certificate from the California Energy Commission pursuant to this section and demonstrates compliance with all conditions related to air pollution of the certificate shall be issued a Permit to Operate by the APCO.

E. Calculations

E.1 Calculation Of Offsets Required: Calendar quarter calculations used for

determining Offsets required shall be determined as follows:

E.1.a the daily Emission Increase multiplied by the number of permitted days in each calendar quarter; or

E.1.b the Potential to Emit on a Quarterly basis, provided that in addition to Daily Emissions Limits, the Authority to Construct and Permit to Operate contain Enforceable conditions which limit emissions from the Emissions Unit for each calendar quarter

E.2 Calculation Of Actual Emissions Reductions (AER's) To Be Used As Offsets: AER's resulting from Modifications to existing Emissions Units shall be calculated based on emission reductions from the Historic Actual Emissions for that Emissions Unit. Only positive values so calculated may qualify as AER's. Prior to use as Offsets, all AER's must qualify for deposit into the District's Emissions Reduction Credit Bank, except for AERs used to Offset Emission Increases within the same source. AER calculations shall be adjusted based on the provisions of E.2.d.

E.2.a AER's from the Shutdown of an Emissions Unit shall be calculated as follows:

AER's = Historic Actual Emissions

E.2.b When the Modification consists solely of an application for new Control Equipment or implementation of a more efficient process, the AER's shall be calculated as follows:

AER's = Historic Actual Emissions minus post-Modification Potential to Emit

E.2.c AER's from other Modifications shall be calculated as follows:

AER's = Historic Actual Emissions minus the post Modification Potential to Emit.

E.2.d AER's shall meet the following criteria:

E.2.d.1 Shall be Real, Enforceable, Quantifiable, Surplus, and Permanent.

E.2.d.2 Shall be in excess of any emissions reduction which is (1) required or encumbered by any applicable laws, Rules, regulations, agreements, orders, or (2) attributed to a control measure noticed in the District for workshop, or (3) contained in an adopted District Plan, SIP or California

Clean Air Act Attainment Plan applicable to the District.

E.2.d.3 Emission reductions attributed to a proposed control measure, may be re-eligible as an AER if for control measures not identified in a District Air Quality Plan or SIP, no Rule has been adopted within two years from the date of the latest public workshop notice.

E.2.d.4 Emission reductions achieved before the base year used in an attainment plan demonstration for that pollutant must be included in the inventory as growth to be eligible for use.

E.3 Calculation of Stationary Source Potential to Emit: The Potential to Emit for a Stationary Source shall be equal to the sum of Potentials to Emit for Permits to Operate (or Authority to Construct for Emissions Units for which a Permit to Operate has not been issued) for each Emissions Unit within a Stationary Source.

F. Air Quality Impact Analysis

F.1 In no case shall emissions from a new or modified Emissions Unit, cause or make worse the violation of an AAQS. The APCO may require an applicant to use an air quality model to estimate the effects of a new or modified Emissions Unit. For the purpose of performing an air quality impact analysis the following shall apply:

F.1.a Air quality models shall be consistent with the requirements contained in the most recent edition of EPA's "Guidelines on Air Quality Models, 40 CFR 51 Appendix W", unless the APCO finds that such model is inappropriate for use. After making such a finding the APCO may designate an alternate model only after allowing for public comment and only with the concurrence of the CARB and the US EPA. All Modeling costs associated with the siting of a new or modified Emissions Unit shall be borne by the applicant.

F.1.b In performing an air quality impact analysis, if the proposed stack height is higher than is dictated by good engineering practices, the actual height used for the purposes of Modeling shall be calculated in accordance with good engineering practices, as specified in 40 CFR 51.100(ii).

RULE 214 EMISSION REDUCTION CREDIT (ERC) BANKING

(Adopted 9/7/93; Revised 5/21/96; 9/14/99; 10/10/2006; 5/12/2015)

A. Rule Purpose and Applicability

A.1 Purpose

A.1.a To ensure that all emission reductions are transferred through the District's Emission Reduction Credit (ERC) Bank. All transfers of Actual Emission Reduction Credits to other sources for use as Offsets that meet the requirements of the District's Rule 207, New and Modified Stationary Source Review (NSR) Rule shall be processed in accordance with this Rule.

A.1.b To provide an administrative mechanism for the District to store ERC's:

A.1.b.1 For later use as Offsets where allowed by District, state and federal rules and regulations.

A.1.b.2 For Transfer to other Sources as Offsets where allowed by District, state and federal rules and regulations; and

A.1.c To define eligibility standards, quantitative procedures, and administrative practices to ensure that ERC's are Real, Permanent, Quantifiable, Enforceable, and Surplus.

A.2 Applicability

This regulation shall apply to all transactions involving ERC's for the storage, Transfer or use within the District.

B. Definitions

Terms applicable to this Rule are defined in Rule 207, Section B, Definitions.

C. Eligibility of Emission Reductions

C.1 Emission reductions shall be recognized as ERC's only after an ERC Certificate has been issued.

C.2 The emission reductions occurring prior to September 7, 1993 may be recognized as an ERC if:

C.2.a Reductions are Real, Surplus, Permanent, Quantifiable, and Enforceable;

C.2.b Emission reductions occurring on or after January 1, 1988 and prior to September 7, 1993 which have been recognized by the District pursuant to a Banking Rule or pursuant to a formal internal tracking mechanism provided:

C.2.b.1 the District determines that such emission reductions comply with the definition of an Actual Emission Reduction (AER).

C.2.b.2 the reductions have not been used for an approval of an Authority to Construct or used as Offsets.

C.2.c Emission reductions occurring prior to January 1, 1988 which have been recognized by the District pursuant to a Banking Rule or pursuant to a formal internal tracking mechanism provided:

C.2.c.1 the District determines that such emission reductions comply with the definition of an AER.

C.2.c.2 the reductions have not been used for an approval of an Authority to Construct or used as Offsets.

C.2.c.3 the reductions are included or have been added to the applicable emissions inventory or will be accounted for in subsequent revisions to the most current air quality management plan.

C.2.d Except for reductions listed below under no circumstances shall any emission reductions occurring before September 7, 1993, other than described in section C.2.b and C.2.c be eligible for ERC's. The restrictions shall not apply to the following reductions:

C.2.d.1 ERC's issued which have been reevaluated in accordance with this Rule prior to their use.

C.2.d.2 reductions for which the District accepted a banking application prior to December 9, 1994 in accordance with the provisions of this Rule.

C.2.d.3 Reductions authorized by the District for use as Offsets or as mitigation for new or modified Emission Units prior to December 9, 1994.

C.3 Emission reductions occurring after September 7, 1993 may be recognized as an ERC if:

C.3.a Reductions are Real, Surplus, Permanent, Quantifiable, and Enforceable:

C.3.b The AER's are calculated in accordance with the District's Rule 207. Adjustments to emission reductions for the Community Bank shall be made at the time the reductions are quantified pursuant to District Rule 207.

C.3.c An Application for an ERC has been filed no more than 180 days or less than 30 days prior to the date the emission reduction is to occur.

C.3.d The emission reduction is created from a non-permitted Source the District shall require the non-permitted Source to give up its non-permitted status and obtain an Enforceable permit complete with all operational and emission limitations. For the purpose of submittal of this regulation to the United States Environmental Protection Agency (US EPA) for inclusion in the California State Implementation Plan (SIP) this subsection shall not be part of the SIP.

C.3.e Emission reductions of Toxic Air Contaminants (TAC) which qualify as criteria pollutant emission reductions shall be eligible for deposit into the Bank. The use of these ERC's or any other credit ERC's shall be allowed to Offset only increases in like emissions, and not the increases in TAC's.

C.4 Shutdowns

C.4.a Emission reductions resulting from the voluntary Shutdown or permanent curtailment of Sources shall not be more than a) the quantity of emissions that would have been emitted had the Source operated with Reasonably Available Control Technology (RACT) and in compliance with existing rules and regulations, or b) AER's, whichever is less.

C.4.b If the emission reduction is due to the Shutdown of a permitted unit, the ERC Certificate applicant must demonstrate to the satisfaction of the District that emissions from such unit or units meet all applicable requirements of this Rule. Such unit or units will no longer be operated within the District unless and until a new Authority to Construct/Permit to Operate (ATC/PTO) is obtained after undergoing the permit process as required by the District's

Rule 207, the District's standard for an ATC/PTO, and other applicable District, state, and federal rules and regulations.

C.4.c Emission reductions resulting from Shutdowns or permanent curtailment of Sources permitted to emit greater than 5 tons or more per day or greater than 250 tons per year of any Nonattainment Pollutant or its Precursor shall not be more than the quantity of emissions that would have been emitted had the Source operated with Best Available Retrofit Control Technology (BARCT) and in compliance with existing rules and regulations.

D. ERC Certificate Application Procedures

D.1 Any entity which owns or operates an Emissions Unit at which an eligible emission reduction is proposed to be banked, shall apply for an ERC Certificate in accordance with the requirements of this Rule.

D.1.a For purposes of this Rule, an ERC Certificate is a document identifying the quantity and type of ERC's issued by the District to the individual(s) or Sources identified on the Certificate.

D.2 ERC Certificate applications shall be submitted on forms supplied by the District. No emission reduction shall be recognized as an ERC unless the application for an ERC Certificate is received not more than one hundred eighty (180) days or less than thirty (30) days prior to the date the emission reduction is to occur, unless otherwise provided in this Rule.

D.3 An application must be made for each Emissions Unit applying for an ERC. The application shall contain sufficient information to allow for adequate evaluation of each emission decrease, and contain information necessary for the Banking Register specified in Section E.11 of this Rule.

D.4 In accordance with the provisions of District Rule 102, Public Records, and Section 114(c) of the federal Clean Air Act, applicants may claim confidentiality of information contained in the application.

D.5 The District may only grant an ERC Certificate after the emission reductions have actually occurred pursuant to the conditions specified in this Rule, and upon satisfaction of the following applicable provisions(s):

D.5.a If the emission reductions were created as a result of greater operating efficiencies or from the application of more efficient control technology, and a revised ATC/PTO has been obtained. The revised permit must include specific Quantifiable emission limits reflecting the reduced emissions.

D.5.b If the emission reductions were created as a result of the Shutdown of a permitted Source, the relevant ATC/PTO(s) has been surrendered and voided; or

D.5.c If the emission reductions from a permitted Source were created by means of reducing production or production rates, the relevant ATC/PTO(s) has been modified to reflect the emission reductions; or

D.5.d If the emission reductions were created as a result of the application of greater operating efficiencies or from the application of a more efficient control technology to a then non-permitted Emissions Unit an ATC/PTO has been obtained. The referenced permit shall include specific Quantifiable emission limits reflecting reduced emissions.

D.6 Where appropriate, to confirm emission reductions claimed in conjunction with an application for an ERC Certificate, the District may require source tests, continuous monitoring, production records, fuel use records, or any other appropriate means of measurement.

D.7 ERC applicants consisting of two or more owners applying for ERC's derived from a single reduction at a single emitting unit may apply for and receive single or multiple ERC Certificates. Multiple ERC Certificates shall be issued for each owner's proportional scale.

D.8 An appropriate entity of the federal government may apply to the District for ERC's that result from emission reductions from a military base within 180 days of the reduction in emissions. ERC's from military base closures shall also be regulated by Health and Safety Code Section 40709.7, which is incorporated by reference.

If the federal government has agreed in writing to allow a base reuse authority to apply for and receive the ERC's, or if the time period for the federal government to apply for ERC's pursuant to subsection D.8 has expired and the federal government has not applied for the ERC's, or if the base reuse authority has, pursuant to other legal means, obtained the authority to acquire the ERC's, the base reuse authority may apply to bank any emission reductions related to the termination or reduction of operations at the military base under its jurisdiction. The District shall evaluate any such application to bank consistent with this Rule. After registration and certification of the emission reductions, the base reuse authority shall be deemed the owner of the ERC for purposes of issuance of a certificate. Upon receipt of the certificate, the base reuse authority may use, sell, or otherwise dispose of the ERC's as determined by the base reuse authority, provided that the credits may only be used for base

reuse within the jurisdiction of the District.

D.9 The District shall determine whether an ERC Banking Certificate application is complete no later than 30 calendar days following receipt of the application, or after a longer time period agreed upon in writing by both the applicant and the District.

D.10 If the District determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the additional information that is required. The applicant shall have 90 days to submit the requested information. Upon receipt of all requested information, the District shall have 30 days to determine completeness. If no data is submitted or the application is still incomplete, the District may cancel the ERC Banking Certificate application with written notification to the applicant. Upon determination that the application is complete, the District shall notify the applicant in writing. Thereafter, only supplemental information submitted in the application may be requested.

D.11 Withdrawal of a Banking application by an applicant shall result in cancellation of the application; any re-submittal shall be evaluated using a new emission calculation as on the date of re-submittal's.

D.12 Upon acceptance of a Complete Application, the District shall have 60 days to perform an initial assessment of the application. Upon completion of this initial assessment, the District shall provide notice of acceptance to the US EPA, the California Air Resources Board, to any relevant Federal Land Manager if an emissions trade occurs within 100 km of, or might otherwise reasonably have any impact on, a Prevention of Significant Deterioration (PSD) Class I area, and shall notice in a newspaper of local circulation within the District. The notice shall specify the applicant and the quantity of emission reductions requested and a statement of the initial assessment. Publication of the notice shall commence a 30 day public comment period during which the District shall accept written comments on the merits of the ERC Certificate application. Upon conclusion of this 30 day period, the District shall have 30 days to render a decision as to whether the District approves, conditionally approves, or denies the application. This decision shall be promptly supplied in writing to the applicant and published in a newspaper of local circulation.

D.13 The applicant or any other party may appeal the District's decision following provisions specified in the District's appeals Rule.

E. Registration of ERC Certificates

E.1 When all the requirements of this Rule have been satisfied and the emission reduction has actually occurred, the District shall issue the ERC

Certificate. Upon the District's determination to grant an ERC Certificate, title to such ERC shall be registered in the Banking Register and made available for public inspection.

E.2 All information concerning titles, interest, and other matters such as liens, encumbrances, and changes of record shall be identified in the District's ERC Banking Register, as well as pertinent date(s) concerning such information, until such time as the ERC Certificate is used, canceled, or nullified by operation of law.

E.3 Each ERC Certificate shall be numbered consecutively, bear the date of issuance, be signed by the District official charged with the responsibility of keeping the ERC Bank, and bear the seal of the District. One copy of the ERC Certificate shall be retained by the District and the original shall be delivered to the owner or party acting for the owner. The record of issued ERC Certificates shall be retained by the District. Delivery by the District of an ERC Certificate to an owner shall be accomplished in Person or by registered mail. The Person accepting the ERC Certificate must sign a receipt and provide such proof of identity as the District shall require.

E.4 At the option of joint owners of ERC's, such Persons may receive one ERC Certificate for the entirety or separate ERC Certificates reflecting each proportional share, provided that such ERC's are derived from a single reduction at a single emitting unit. The District's ERC Bank shall reflect the consolidation or separation of the ERC's and the previous Certificate(s) shall be canceled upon the issuance of the new Certificate(s).

E.5 After receiving written notice from a Source that it has released its right of control of Valid existing unbanked emission reductions created by that Source or after the 90 day application period has elapsed, the District may establish ERC Certificates representing such unbanked emission reductions in the District's Community Bank. These ERC's may be designated as unallocated ERC's for the purposes of accounting and designation in Banking and related reports. Distribution and use of the ERC's represented by the unallocated ERC Certificate(s) shall be consistent with this Rule.

E.6 Except as set forth in this Rule, an ERC shall not be limited as to minimum quantity or maximum lifetime. However, its use shall be consistent with all applicable District, state, and federal rules.

E.7 Title to an ERC shall be deemed registered at the time the particulars concerning the ERC are entered into the Register. All other interest in an ERC shall be deemed registered when the particulars concerning such

interest are entered into the Register concerning the Certificate.

E.8 The registered owner of any interest in an ERC shall hold the same subject only to such liens, charges, and interests as may be noted in the Register, and free from all other interests except liens, claims, or rights arising under the laws of the United States, which the statues of California cannot require to appear of record upon the Register.

E.9 All dealings with ERC's or any interest therein on all liens, encumbrances, and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this regulation, and to such amendments and alterations as may hereafter be made.

E.10 The District may reissue lost or destroyed ERC Certificates after the owner vouches that the original has been lost or destroyed.

E.11 The District shall maintain a Banking Register, which shall consist of a record of all deposit applications, deposits, withdrawal, and transactions with regard to the ERC Bank. Subject to Subsection D.4 of this Rule, all data in the Banking Register shall be available to the public upon request.

F. Withdrawal, Transfer, and Use of ERC's

F.1 Subject to Section E, ERC's may be used at the time of, or anytime after, deposit into the District's ERC Bank by the owner of the ERC Certificate to compensate for emission increases due to the operation of new or modified Sources of air pollution, their ultimate value will be determined based on the program under which they will be used and the attainment/nonattainment status of the area at the time of their use.

F.2 An ERC may be used as Offsets in accordance with applicable District, state, and federal rules and regulations.

F.3 An ERC Certificate may be Transferred or used in whole or in part and in accordance with the provisions of this Rule. The role of the District in the trading of an ERC Certificate shall be limited to providing information on the documentation and registration of the ERC Certificate Transfer. The ERC Certificate Transfer in whole or in part of a registered ERC Certificate shall be in writing, signed on behalf of the owner by an authorized signatory, and acknowledged by the District. Upon filing such instrument and with the District's acknowledgment, the Transfer shall be deemed complete and the District's records shall so indicate Transfer to the new owner. A new ERC shall be issued and the last previous original(s) shall be canceled. Such cancellation shall be recorded in the Banking Register.

F.4 ERC Certificates shall not be used to Offset increases in Toxic Air

Contaminants.

F.5 The District shall prohibit the Transfer of an ERC Certificate, issued for the Shutdown of a Source which occurred prior to the District receiving an application for that ERC Certificate, to a new or modified Stationary Source which has a Potential to Emit greater than the emission thresholds established for the District in the Federal Clean Air Act for Major Stationary Source modifications.

F.6 ERC's will be subject to subsequently adopted control measures required for Reasonable Further Progress (RFP).

F.7 If the District determines that additional mandatory emission reductions will be necessary to achieve Ambient Air Quality Standard(s), the District may declare a freeze on all transactions occurring with the ERC Bank until a determination is made as to whether a moratorium shall be imposed. Prior to imposing any kind of moratorium, the District must provide a public notice that the District has determined that sufficient emission reductions cannot be achieved through the imposition of additional controls on existing permitted or non-permitted emitting Sources. During the notice period the ERC bank shall be frozen preventing any deposits or withdrawals of ERC's. Only after a public hearing resulting in the determination that a moratorium is needed and written notice is given to ERC Certificate owners of the applicable contaminant may any moratorium be imposed. Any such moratorium shall be lifted upon the determination by the District and a public notice that "Reasonable Further Progress" can be demonstrated by the District.

RULE 214.1 MOBILE SOURCE EMISSION REDUCTION CREDIT BANKING (Adopted 10/10/2006)

A. Purpose and Applicability

A.1 Purpose

The purpose of this rule is to create an opportunity for business and industry to create and use emission reduction credits from mobile sources and to establish procedures by which Mobile Source Emission Reduction Credits (MSERC's) may be certified.

A.1.a Establish an administrative Banking system for MSERC's

A.1.b Provide administrative procedures for the Air Pollution Control Officer (APCO) to store Surplus MSERC's:

A.1.b.1 To be used as stationary source offsets where allowed by District, state and federal rules and regulations; or

A.1.b.2 To replace other emission reduction requirements where allowed by District, state and federal rules and regulations.

A.1.c Establish criteria to certify that MSERC's are Real, Quantifiable, Enforceable, Permanent and Surplus.

A.2 Applicability

The provisions found within this rule apply to the banking of MSERCs generated within and for use in the District. This rule shall apply to all applications for MSERC's

B. Definitions: All terms associated wit this Rule are found in Rule 101.

C. Eligible Emission Reduction Strategies

C.1 Accelerated Vehicle Retirement Program

The provisions within this subsection are to create Real emission reductions by the accelerated retirement of on road motor vehicles.

C.1.a The only pollutants for which MSERC's may be granted from an Accelerated Vehicle Retirement Program are volatile organic compounds (VOC's), oxides of nitrogen (NOx) and carbon

monoxide (CO.)

C.1.b To ensure that the emission reductions generated are Real the program operator or its agents must comply with all the following:

C.1.b.1 Provide proof that the vehicle was registered for highway use with the California Department of Motor Vehicles (DMV) in the District for a period of at least one year immediately prior to the occurrence of the reduction date. Except that vehicles operating under a waiver shall be acceptable.

C.1.b.2 Surrender the certificate of ownership obtained from the person who has legal authority to transfer vehicle ownership. The person surrendering the certificate must possess either a valid Certificate of Title or an Application for Duplicate Title (DMV Registration Form 227.)

C.1.b.3 Ensure that the vehicle has been driven under its own power to the dismantling site and has not been damaged as to make continued operation unlikely. The ignition switch, starter motor, engine and vehicle transmission, in reverse and forward gears, are operable.

C.1.b.4 Ensure that the vehicle contains functional headlights, functional taillights, functional brakes, exhaust system, bumpers, doors, finders, side and quarter panels, hood, trunk lid, windows, mirrors, windshields, seats, instrumentation, and gauges.

C.1.c In order to insure that the vehicle is never driven again the program operator or its agents shall:

C.1.c.1 Permanently destroy the Vehicle Identification Number (VIN) and license plates in accordance with DMV procedures for permanently scrapping/dismantling vehicles.

C.1.c.2 Permanently destroy the cylinder block so as to render it unusable.

C.1.c.3 Permanently render unusable the catalytic converter of any acquired vehicle of model year 1981 or older;

and

C.1.c.4 Crush the reminder of the vehicle except for reusable components (e.g., doors, fenders, bumpers, and disassembled engine components) within three months of purchase.

C.1.d The operator of an Accelerated Vehicle Retirement Program or its agents shall require any vehicle dismantler used to satisfy the requirements of subsection C.1 to provide a written statement certifying it is licensed as a vehicle dismantler with the Department of Motor Vehicles and identifying its DMV license number and expiration date.

C.1.e Emission reduction credits from Mobile Sources are to be determined by the California Air Resources Board (ARB) AMobile Source Emission Reduction Credits@ guidelines published February 1996 (or subsequent revisions).

C.1.f The maximum credit life for MSERC's credits resulting from the accelerated retirement is three years from the date of issuance of the associated MSERC's certificate.

C.1.f.1 The MSERC may be used anytime during the three year period.

C.1.f.2 No MSERC's may be saved for use after three years.

C.1.g An applicant for a MSERC pursuant to subsection C.1 of this rule shall compile and retain for a period of three (3) years beyond the credit life and make available for District inspection upon request, the following records of each permanently destroyed vehicle from which a MSERC has been granted under this subsection.

C.1.g.1 Vehicle information: Make, model, model year, vehicle identification, license plate number(s), a copy of the DMV registration card and a copy of the California Certificate of Title or an Application for Duplicate Title (DMV Registration Form 227);

C.1.g.2 Name, address, telephone number and driver license number of person from whom the vehicle was acquired;

C.1.g.3 Vehicle mileage and date of acquisition of vehicle for

the Accelerated Vehicle Retirement Program;

C.1.g.4 Proof of compliance with C.1.c destruction. This should include dates indicating the destruction of the engine, cylinder block and the rest of the vehicle and by whom it was destroyed;

C.1.g.5 Quantity of the actual emission reduction as determined by subsection C.1.e;

C.1.g.6 Other records as may be required as a condition of MSERC issuance.

C.2 Retrofitting Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles

The provisions contained within this subsection are for creating actual emissions reductions by retrofitting Passenger Cars, Light Duty Trucks, or Medium Duty Vehicles. The emission reduction will only be granted for vehicles retrofitted following the certification and compliance test procedures in the ACalifornia Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model years@ (ARB, May 14, 1992).

C.2.a The only pollutants for which MSERC's may be granted from retrofitting a Passenger Car, Light Duty Truck, or Medium Duty Vehicle are volatile organic compounds (VOC's), oxides of nitrogen (NOx), and carbon monoxide (CO).

C.2.b Emission reductions are the difference between the certification standard before and the Low Emission Vehicle standard after a vehicle is retrofitted, adjusted for the remaining life of the vehicle.

C.2.c The maximum credit life of a MSERC resulting from retrofitting a Passenger Car, Light Duty Truck or Medium duty Vehicle shall be equal to the life remaining in years, considering the mileage life and miles actually driven.

C.2.d Emission reduction credits from Mobile Sources are to be determined by the California Air Resources Board (ARB) "Mobile Source Emission Reduction Credits" guidelines published February 1996 (or subsequent revisions).

C.2.e An applicant for a MSERC pursuant to subsection C.2 shall compile and retain for a period of three (3) years beyond the

credit life and make available for District inspection upon request the following records of each retrofitted vehicle for which a MSERC has been granted under this subsection.

C.2.e.1 Vehicle information: Make, model, model year, vehicle identification, license plate number(s), a copy of the DMV registration card, retrofit hardware model and serial numbers;

C.2.e.2 Proof of compliance with the ARB's retrofit certification standards;

C.2.e.3 Dates, mileage, and description of maintenance and repairs

C.2.e.4 For Fleet Vehicles, odometer readings sufficient to demonstrate mileage traveled inside and outside the District to identify the number of miles traveled using fuels for which the certified emission standard of the retrofitted vehicle does and does not apply and to identify the number of miles traveled using non-volatile and volatile fuels. As an alternative to an odometer reading log, a log of fuel use by fuel type may be substituted. No retrofitted vehicle may be transferred out of the District.

C.2.e.5 Other records as may be required as a condition of MSERC issuance.

C.3 Retrofitting Heavy-Duty Vehicles

The provisions contained within this subsection are for creating actual emissions reductions by retrofitting Heavy Duty Vehicles or engines to low emission standards. The emission reductions are the difference between the ceiling standard before and the Low Emission Vehicle credit standard after a vehicle is retrofitted, adjusted for the remaining life of the vehicle.

C.3.a The only pollutants for which MSERC's may be granted from retrofitting Heavy Duty Vehicle or engine to a low emission standard are oxides of nitrogen (NOx), particulate matter (PM), carbon monoxide (CO), and volatile organic compounds (VOC's).

C.3.b The ceiling standard for each pollutant of interest is the certification standard to which the engine was originally certified when first placed into service by its manufacturer. Engines

which were originally certified to a combined HC+NOx standard shall be based on the combined certification standard as pro-rated by the original emission certification values of each pollutant, as shown on the most recent ARB certification Executive Order. The specific numerical values are available from ARB.

C.3.c The maximum credit standard for NOx will be at least 25% below the applicable ceiling standard, rounded to the next lower 0.5 gram/bhp-hr increment. The maximum credit standard for PM will be at least 30% below the applicable ceiling standard, rounded to the next lower 0.05 gram/bhp-hr increment. The maximum credit standard for NMHC will be at least 30% below the applicable ceiling standard, rounded to the next lower 0.2 gram/bhp-hr increment. The maximum credit standard for CO will be at least 30% below the applicable ceiling standard, rounded to the next lower 5.0 gram/bhp-hr increment.

C.3.d Certification of credit standard will only be granted for Heavy Duty Vehicles (vehicles with gross vehicle weights greater than 14,000 pounds) retrofitted following the certification and compliance test procedures in the ACalifornia Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years@ (ARB, May 14, 1992).

C.3.e For heavy-duty vehicle retrofits that result in a vehicle with dual fuel operation, the system shall be certified separately on each fuel. The hardware shall be certified to an appropriate credit standard during operation solely on the cleaner of the two fuels. The hardware shall be certified to at least the ceiling standard while operating solely on the other fuel.

C.3.f The duration of the credit life shall be based on the expected vehicle life remaining until the vehicle is retired or the engine is next expected to be overhauled, whichever occurs first. Consideration will be given to historical fleet records of similar vehicles with similar operation and histories.

C.3.g Appropriate conversion factors shall be submitted to the District at the time of application based on commonly accepted data methodology. All conversion factors are subject to District and ARB approval.

C.3.h Emission reduction credits from Mobile Sources are to be determined by the California Air Resources Board (ARB)

AMobile Source Emission Reduction Credits@ guidelines published February 1996 (or subsequent revisions).

C.3.i No MSERC may be carried over for use in a subsequent calendar year.

C.3.j Evaporative, running loss, and marketing emission reductions from retrofitting vehicles shall be quantified using factors available from the Air Resources Board and must be approved by the District. Evaporative emission control systems are required for diesel fueled vehicles converted to other liquid fuels. Conversion hardware shall be properly designed to prevent increased evaporative emissions for gasoline-fueled vehicles converted to other liquid fuels.

C.3.k An applicant for a MSERC pursuant to subsection C.3 shall compile and retain for a period of three (3) years beyond the credit life and make available for District inspection upon request the following records of each retrofitted vehicle for which a MSERC has been granted under this subsection.

C.3.k.1 Vehicle information: Make, model, model year, engine type, vehicle identification, engine identification, license plate number(s), a copy of the DMV registration card, retrofit hardware model and serial numbers;

C.3.k.2 Proof of compliance with the ARB's retrofit certification standards;

C.3.k.3 Dates, mileage, and description of maintenance and repairs;

C.3.k.4 A log of odometer readings sufficient to demonstrate mileage traveled inside and outside Imperial County to identify the number of miles traveled using fuels for which the certified emission standard of the retrofitted vehicle does and does not apply and to identify the number of miles traveled using non-volatile and volatile fuels. An alternative to a log of odometer readings a log of fuel use by fuel type may be substituted. No retrofitted vehicle may be transferred out of the District;

C.3.k.5 Other records as may be required as a condition of MSERC issuance.

D. MSERC Application Procedures

D.1 Any entity or person proposing to create actual emissions reductions and requesting the issuance, amendment, transfer or use of a MSERC pursuant to this rule shall submit to the District the following:

D.1.a An application, on forms supplied by the District, specifying the manner in which actual emissions reductions are to be achieved, amended, transferred or used so as to allow for adequate evaluation of actual emissions reductions from each project.

D.1.b Pay all appropriate Fees according Rule 301

D.1.c Duplicate Certificate: A fee of $20.00 shall be charged, except to any State or local agency or public District, for the issuance of a duplicate Banking Certificate.

D.2 A separate application shall be filed for each actual emission reduction for each MSERC program, amendment, transfer or use. One application may be submitted for reductions of one or more affected pollutants, provided the reductions of multiple pollutants occur from a single MSERC Program.

D.3 Applications for reductions shall be submitted within 180 days after the emission reduction occurs, except for reductions prior to the adoption of this rule. For reductions which occurred prior to the adoption of this rule, applications must be submitted within 180 days after adoption of this rule.

D.4 The application shall demonstrate to the satisfaction of the APCO that the emission reductions proposed are actual emissions reductions.

D.5 The APCO shall determine whether or not a MSERC application is complete no later than 30 calendar days following receipt of the application or after a longer time period agreed upon in writing by both the applicant and the APCO.

D.6 If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the additional information that is required. The applicant shall have 90 days to submit the requested information. Upon receipt of all requested information, the District shall have 30 calendar days to determine completeness. If the application is still incomplete, the APCO may cancel the MSERC application with written notification to the applicant. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application may be requested.

D.7 Withdrawal of an application shall result in cancellation of the application.

D.8 In accordance with the provisions of District Rule 102, Public Records, applicants may claim confidentiality of information contained in the application.

E. MSERC Certificate

E.1 If an applicant for MSERC or an amendment to a MSERC certifiate demonstates to the satisfaction of the APCO that the emission reductions meet all applicable criteria set forth in this rule, the APCO shall issue a MSERC certificate to the person holding title to the vehicle for which MSERC is requested, except as provided for in subsection E.2. The MSERC certificate shall contain, as a minimum, all of the following:

E.1.a Name of the person to whom the MSERC is issued;
E.1.b MSERC certificate identification number;
E.1.c Date of issuance;
E.1.d Pollutant or pollutants reduced;
E.1.e Quantity of the actual emission reduction (pounds/year)
E.1.f Time period for which the MSERC is valid;
E.1.g Any conditions necessary to ensure compliance with the provision of these rules and regulations, applicable federal and state laws and
E.1.h A statement regarding the potential invalidation of the MSERC certificate if upon a finding by the APCO that:

E.1.h.1 The required conditions are not being complied with or
E.1.h.2 The MSERC was fraudulently acquired and
E.1.h.3 A statement absolving the District from any liability from any transaction involving the MSERC certificate.

E.2 The APCO may issue a MSERC certificate to an applicant who does not hold title to the vehicle for which a MSERC is requested only if such applicant provides to the APCO written proof of the title holder's transfer of interest in the MSERC to the applicant.

F. MSERC Registry

All District approved Mobile Source Emission Reduction Credits will be listed in the MSERC Registry. The MSERC registry shall be maintained by the District which shall record, as a minimum:

F.1 MSERC certificate identification number;

F.2 Date of surrender to the Air Pollution Control Officer;
F.3 Name and address of the owner or operator of the business where the MSERC is being used to offset;
F.4 Type of pollutant and quantity of emission reduction (pounds/year)
F.5 Source of the emissions reduction(s);
F.6 MSERC expiration date;
F.7 Conditions established for MSERC issuance; and
F.8 Status of the MSERC (e.g., being used, held, transferred, or sold.)
F.9 Quantity of MSERC used to offset an obligation.

G. Administrative Requirements

G.1 A stationary source which uses MSERC's to meet emission offset requirements cannot commence operations until the cumulative amount of credit generated equals or exceeds the required offset level. The stationary source receiving the MSERC shall submit a plan to the District for approval for supplying emission offsets for the entire life of the stationary source.

G.2 MSERC's may be transferred in whole or in part by any means of written conveyance permitted by state law provided the MSERC's under new ownership meet all applicable criteria set forth in this rule. A copy of the written conveyance describing the transaction must be filed with the District and must contain all of the following:

G.2.a Identification of the transferor(s) and transferee(s);
G.2.b agreement of transferor(s) and transferee(s) to comply with all applicable conditions of the MSERC certificate and all applicable requirements of this rule;
G.2.c Agreement of transferor(s) and transferee(s) to comply with all auditing and recordkeeping requirements established within this rule;
G.2.d The quantity of MSERC's transferred;
G.2.e Signatures of the transferor(s) and transferee(s).

G.3 Upon determination by the APCO that all provisions of subsection G.2 are complied with, the APCO shall issue a new MSERC certificate in the name of the new owner(s) for the quantity of MSERC transferred. A new MSERC certificate shall also be issued to the original owner(s) for the remaining actual emission reduction credits.

G.4 The recipient of emission reductions shall submit credit life records verifying that the MSERC has been achieved. These credit life records shall be submitted yearly and shall be maintained for three (3) years beyond the credit life. Records may be maintained in an approved electronic format that is compatible with existing District computer

equipment as determined by the APCO.

G.5 Any owner, user, transferor or transferee of a MSERC or a vehicle for which a MSERC has been granted, or any creator of a MSERC, is subject to random audits by the District to verify compliance with this rule. The District shall have access, upon request, to the premises of any mobile source emission reduction facility to review records, equipment, vehicles, etc.

G.6 Reviews may include inspections, testing, review of records, or any other action deemed necessary to verify compliance. Copies of all records will be provided to the District within 7 calendar days of such a request.

G.7 Violation of any provision of this rule shall be grounds for the APCO to invalidate, disallow or void any MSERC associated with the violation.

G.8 The applicant or any other party may appeal the APCO's decision following the provisions specified in District Rule 211, Appeals.

RULE 301 PERMIT FEES

(Revised 1/11/94; 1/16/2001; 8/10/04; 9/19/05; 10/10/2006; 09/26/2007; 12/02/2008; 01/01/2011 - 01/01/2018)

A FILING FEE

A.1 In addition to other fees which may be required, an application filing fee of $186.00 for the year 2018 shall be paid for each of the following:

A.1.a Authority to Construct

A.1.b Permit to Operate

A.1.c Revision to an existing permit including: equipment location, transfer of ownership, alterations or additions to equipment, or revision of permit conditions

A.1.d Request for handling material as Trade Secrets

A.1.e Non-agricultural burn permit

A.1.f Mobile Source Emission Reduction Credit Certificates

A.2 Beginning January 1, 2006, the application filing fees for the items set forth in A.1.a, A.1.b, A.1.c, A.1.d, A.1.e and A.1.f shall be adjusted annually by multiplying the base permit fee for the previous year by the average percentage rate for the month of August of the previous year (rounded to the nearest half dollar) which is derived by a fraction, the numerator of which is the Revised Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics for All Consumers for the Rural Service Area #7 statistical area (All Items, Base 1982-84 = 100), (the “CPI”), and the denominator of which is the CPI for the same calendar month of the prior year. Notwithstanding the foregoing, in no event shall the permit fee be decreased and in no event shall any increase exceed 4% per annum, without formal action by the Air Pollution Control District Board.

B REVIEW FEES

B.1 Projects, except for Large Confined Animal Facility Permits, burn permits, and minor projects, shall pay a review fee in an amount to be determined by the Auditor/Controller, but not to exceed the actual cost to administer and conduct engineering and environmental impact analyses of the project.

B.2 Major projects shall pay a review fee deposit of $1,182.50 for the year 2018 at the time of application.

B.3 Beginning January 1, 2006, major project review fees shall be adjusted annually by multiplying the review fee deposit for the previous year by the average percentage rate for the month of August of the previous year (rounded to the nearest half dollar) which is derived by a fraction, the numerator of which is the Revised Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics for All Consumers for the Rural Service Area #7 statistical area (All Items, Base 1982-84 = 100), (the "CPI"), and the denominator of which is the CPI for the same calendar month of the prior year. Notwithstanding the foregoing, in no event shall the permit fee be decreased and in no event shall any increase exceed 4% per annum, without formal action by the Air Pollution Control District Board.

B.4 If the District will be lead agency for environmental review purposes, an additional Initial Study fee deposit of $497.00 for the year 2018 shall be paid at the time of application. Beginning January 1, 2006, this Initial Study fee deposit shall be adjusted annually by multiplying the Initial Study fee deposit for the previous year by the average percentage rate for the month of August of the previous year (rounded to the nearest half dollar) which is derived by a fraction, the numerator of which is the Revised Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics for All Consumers for the Rural Service Area #7 statistical area (All Items, Base 1982-84 = 100), (the "CPI"), and the denominator of which is the CPI for the same calendar month of the prior year. Notwithstanding the foregoing, in no event shall the permit fee be decreased and in no event shall any increase exceed 4% per annum, without formal action by the Air Pollution Control District Board.

C CANCELLATION OR DENIAL

If an application is canceled or withdrawn by the applicant, or is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

D PENALTY FEES

D.1 Projects which failed to obtain a permit which was required but not obtained, shall pay a fee double that of the published initial fee for the Permit to Operate, or other appropriate permit.

D.2 Projects which are in violation of these Rules, or not in compliance with a condition of their permit may be charged a permit renewal fee of up to three (3) times the fee that would otherwise be charged, as follows:

D.2.a Formal notice of violation, or notice of non-compliance, shall have been issued to the permittee, or agent responsible for the project within the previous twelve months.

D.2.b Prior to November 15th of each year the Air Pollution Control Officer shall submit to the Hearing Board a list of all projects against which the Auditor/Controller proposes to levy a penalty fee under this rule, the proposed fee, and a brief account of the violation.

D.2.c The Hearing Board shall accord the permittee or agency responsible for the project, and any interested parties an opportunity to be heard.

D.2.d The Hearing Board may modify the penalty fee proposed by the Auditor/Controller. Failure of the Board to act will confirm the proposal of the Auditor/Controller.

E ANNUAL RENEWAL FEE

All holders of an Authority to Construct, a Permit to Operate shall be notified of the annual renewal fee based upon current fee schedules by January 1ST. The permittee shall pay such annual renewal fee to the District office in person or by letter postmarked no later than January 31 of that year. If the renewal fee is not paid by that time the fee shall be increased by ½ the amount thereof. Nonpayment of the increased fee within 30 days shall result in the cancellation of the permit.

F PERMIT OR VARIANCE GRANTED BY HEARING BOARD

In the event that a Permit to Operate is granted by the Hearing Board after denial by the Auditor/Controller or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within thirty (30) days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application. Such a fee shall be charged for a Permit to Operate granted by the Hearing Board for the duration of variance.

G PRORATION

For any new installation, constructed pursuant to an Authority to Construct, the Permit to Operate fee shall be prorated. This proration shall be determined on the basis of the remaining number of calendar months the installation will be authorized to operate under an annual permit.

RULE 302 FEE SCHEDULES

(Revised 1/11/94; 1/16/2001; 12/11/2001; 08/10/04; 9/19/05; 10/10/2006; 09/26/2007; 12/02/2008; 01/01/2011 - 01/01/2018)

It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

In the event that more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that which results in the higher fee.

RULE 403 GENERAL LIMITATIONS ON THE DISCHARGE OF AIR CONTAMINANTS

(Adopted11/19/85; Revised 9/14/99; 7/24/01; 5/18/2004)

A. Applicability

This Rule applies to the discharge of Air Contaminants, Combustion Contaminants, and Particulate Matter into the Atmosphere

B. Requirements

B.1 A Person shall not discharge into the Atmosphere from any single Emissions Unit, Particulate Matter, including lead and lead compounds, in excess of the rate shown in Table 403-1. For the purposes of this Rule, emissions shall be averaged over one complete cycle of operation or one hour, whichever is the lesser time period. Where the Process Weight Per Hour is between figures listed in the table, the exact weight of permitted discharge shall be determined by linear interpolation.

B.2 A Person shall not discharge into the Atmosphere from any single Emissions Unit, Air Contaminants in excess of the concentrations at Standard Conditions shown in Table 403-2. Where the volume discharged is between figures listed in the table, the exact concentration allowed to be discharged shall be determined by linear interpolation.

B.3 A Person shall not discharge into the Atmosphere from any single Emissions Unit, constructed after July 1, 1972, Combustion Contaminants exceeding in concentration at the point of discharge of 0.2 grains per dry cubic foot of gas, calculated to 12 percent of carbon dioxide (CO2) at Standard Conditions averaged over 25 consecutive minutes. In measuring the Combustion Contaminants from Incinerators used to dispose of Combustible Refuse by burning, the carbon dioxide (CO2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO2).

B.4 A Person shall not discharge Combustion contaminants from new or existing stationary electrical utility generating units, excepting Emergency Standby Generators, in concentrations at the point of discharge of 0.01 grains per dry standard cubic foot of gas, calculated to 3 percent O2 for boilers, and 15 percent O2 for gas turbines.

B.5 A Person shall not discharge Combustion Contaminants derived from the fuel in excess of 10 pounds per hour from a new or existing stationary Fuel Burning Equipment other than electrical utility generating units.

C. Test Methods

Concentrations of Combustion Contaminants shall be determined using EPA Method 5, or any other applicable EPA approved test method, that has also been approved, for this application, by the APCO. Stack flow rate shall be measured using EPA Method 1and 2 and concentrations of carbon dioxide and oxygen shall be determined using EPA Method 3A.

D. Test Procedures

D.1 All emission units operated at major sources covered under Sections B.3, B.4 and B.5 shall demonstrate compliance through emission compliance testing not less than once every 12 months. For emission units which operate less than 100 hours per 12 month period (as demonstrated by operational logs) testing shall be conducted not less than once every 36 months.

D.2 The results of all compliance and test reports shall be retained for five (5) years from the date of each entry and made available to Air Pollution Control District personnel upon request.

E. Exemptions:

Sources are exempt from the requirements specified in Section B.3 and B.4 during start-up or shutdown and during changes in load when bringing the combustion process up to operating levels. Start up or shutdown may not last longer than is necessary to reach stable temperatures. The start-up or shutdown may not exceed the following:

E.1 Eight (8) hours for boilers and process heaters of more than 40 MM Btu per hour.

E.2 Six (6) hours for boilers or process heaters of equal to or less than 40 MM Btu per hour.

E.3 Fifteen minutes for simple cycle stationary gas turbines and two hours for stationary combined cycle and cogeneration cycle gas turbines.

Table 403-1

Process Weight per hour (pounds/hour)	Maximum Discharge Rate Allowed for Solid Particulate Matter (Aggregate discharged from all points of process pounds/hour	Process Weight per hour (pounds/hour)	Maximum Discharge Rate Allowed for Solid Particulate Matter (Aggregate discharged from all points of process pounds/hour)
50	0.24	12,000	10.1
100	0.46	14,000	10.8
150	0.66	16,000	11.2
200	0.85	18,000	11.5
250	1.00	20,000	11.8
300	1.10	25,000	12.4
350	1.23	30,000	13.0
400	1.34	35,000	13.5
450	1.44	40,000	13.9
500	1.54	45,000	14.3
600	1.73	50,000	14.7
700	1.90	60,000	15.3
800	2.07	70,000	15.9
900	2.22	80,000	16.4
1,000	2.38	90,000	16.9
1,200	2.66	100,000	17.3
1,400	2.93	120,000	18.1
1,600	3.19	140,000	18.8
1,800	3.43	160,000	19.4
2,000	3.66	180,000	19.9
2,500	4.21	200,000	20.4
3,000	4.72	250,000	21.6
3,500	5.19	300,000	22.5
4,000	5.64	350,000	23.4
4,500	6.07	400,000	24.1

Table 403-1

Process Weight per hour (pounds/hour)	Maximum Discharge Rate Allowed for Solid Particulate Matter (Aggregate discharged from all points of process pounds/hour	Process Weight per hour (pounds/hour)	Maximum Discharge Rate Allowed for Solid Particulate Matter (Aggregate discharged from all points of process pounds/hour)
5,000	6.49	450,000	24.8
5,500	6.89	500,000	25.4
6,000	7.27	600,000	26.6
6,500	7.64	700,000	27.6
7,000	8.00	800,000	28.4
7,500	8.36	900,000	29.3
8,000	8.70	1,000,000 or more	30.0
8,500	9.04		
9,000	9.36		
9,050	9.68		
10,000	10.0		

Table 403-2

Volume Discharged Calculated as Dry Gas at Standard Conditions	Maximum Concentration of Air Contaminants Allowed in Discharged Gas Calculated as Dry Gas at Standard Conditions	Volume Discharged Calculated as Dry Gas at Standard Conditions	Maximum Concentration of Air Contaminants Allowed in Discharged Gas Calculated as Dry Gas at Standard Conditions
Cubic Feet per Minute	Grains Per Cubic Foot	Cubic Feet Per Minute	Grains Per Cubic Foot
883 or less	.196	31780	.0515
1059	.183	35310	.0493
1236	.173	38850	.0476
1413	.165	42380	.0463
1589	.158	45910	.0445
1766	.152	49440	.0437
2119	.141	52970	.0424
2472	.134	61800	.0402
2825	.127	70630	.0380
3178	.122	79460	.0362
3531	.117	88290	.0349
4414	.107	105900	.0327
5297	.100	141300	.0293
6180	.0947	176600	.0271
7063	.0900	211900	.0253
8829	.0830	282500	.0227
10590	.0773	353100	.0210
12360	.0730	529700	.0179
14130	.0694	706300	.0162
15890	.0664	882900	.0148
17660	.0637	1059000	.0140
21190	.0598	1413000	.0122

Table 403-2

Volume Discharged Calculated as Dry Gas at Standard Conditions	Maximum Concentration of Air Contaminants Allowed in Discharged Gas Calculated as Dry Gas at Standard Conditions	Volume Discharged Calculated as Dry Gas at Standard Conditions	Maximum Concentration of Air Contaminants Allowed in Discharged Gas Calculated as Dry Gas at Standard Conditions
24720	.0563	1766000	.0114
28250	.0537	2472000 or more	0100

RULE 412 SOIL DECONTAMINATION OPERATIONS
(Adopted 1/16/2001)

A. Applicability

This Rule shall apply to Excavation and/or treatment of ROC-Contaminated Soil.

A.1 Exemptions

The provision of this rule shall not apply to:

A.1.a Contaminated Soil exposed for the sole purpose of sampling;

A.1.b Decontamination of less than one cubic yard of Contaminated Soil with 50 ppm or less of ROC;

A.1.c Soil contaminated solely by an organic liquid having an initial boiling point of 302EF, or higher, as determined by ASTMD86-78, provided such soil is not heated above ambient temperature and samples of the contaminating liquid can be obtained; or

A.1.d Emergency Excavation and/or Decontamination of soil performed by, under jurisdiction of, or pursuant to requirements of, an authorized health officer, agricultural commissioner, fire protection officer, or other authorized agency officer. The Air Pollution Control Officer (APCO) shall be notified prior to commencing such Excavation.

B. Requirements

B.1 Excavation

B.1.a Any person performing an Excavation subject to this Rule shall sample, with a ROC Analyzer, excavated soil to determine if it is Contaminated Soil.

B.1.b If excavated soil is Contaminated Soil, such soil shall be transported off-site for treatment, recycling, or disposal at an approved disposal site; or returned to the Excavation.

B.1.c Contaminated Soil shall be covered except when soil is being added or removed. Contaminated Soil may be covered with a layer of uncontaminated soil no less than six inches deep, or it may be covered with an Impervious Barrier.

B.2 Treatment Systems

B.2.a Treatment of Contaminated Soil shall be accomplished by one of the following methods with an overall Control Efficiency equivalent to at least 90%

B.2.a.1 installation and operation of ROC collection and control system for in-situ treatment of Contaminated Soil, or

B.2.a.2 installation and operation of a ROC collection and control system for on-site treatment of Contaminated Soil.

B.2.b Applicable requirements of Regulation II (Permits) shall be satisfied prior to installation of any equipment required for a treatment system.

C. Administrative Requirements

C.1 Test Methods

C.1.a Initial boiling point of a liquid shall be measured in accordance with ASTM D86.

C.1.b For purposes of Contaminated Soil and Impervious Barrier (as defined in Rule 101), volatilization of ROC=s from Contaminated Soils shall be measured using a ROC Analyzer which satisfies requirements of U.S. EPA Method 21, 40 CFR Part 60.

C.1.c Organic Content of soil shall be determined, as appropriate, by U.S. EPA Reference Method 8015, 8260, or the gas chromatographic method contained in the ALeaking Underground Fuel Tank (LUFT) Manual (October, 1989)@ as approved by the California Department of Health Services.

C.2 Soil Sampling Procedure (Used in Determining Organic Content)

One composite sample shall be collected and analyzed for every 50 cubic yards of excavated Contaminated Soil. (Samples are not required if soil is not AContaminated Soil@)

C.2.a A composite sample shall consist of one sample taken from the center of each of the four equal sectors of the area required to be sampled using procedures described below unless another method is approved by the APCO because the standard method is infeasible.

C.2.b Samples shall be taken from at least three inches into the Contaminated Soil of a pile using a driven-tube type sampler, capped and sealed with inert materials, and extruded in the lab to reduce loss of volatile materials; or by using a clean brass or stainless steel tube (at least three inches long) driven into the soil with a suitable instrument. Ends of the tube shall then be covered with aluminum foil, then plastic end caps, and finally wrapped with a suitable tape. Samples shall be immediately placed on ice, or dry ice, for transport to a laboratory.

C.2.c Chain-of-custody records shall be kept to document possession of a sample from collection in the field until it is analyzed.

D. Compliance Schedule

Any existing and active Soil Decontamination operation not in compliance with this Rule on the date of adoption shall comply with the following compliance schedule;

D.1 Submit a compliance plan to ICAPCD within 60 days of the date of adoption of this Rule, and

D.2 Achieve compliance with this Rule within 180 days of submitting the compliance plan submitted pursuant to Subsection D.1.

RULE 415 TRANSFER AND STORAGE OF GASOLINE

(Adopted 11/4/77; revised 12/1/88; 4/22/96; 9/14/99; 5/18/2004)

A Applicability

This Rule applies to the transfer and storage of Gasoline.

A.1 Exemptions

The following types of operations shall be exempt from the Rule requirements. Any Gasoline facility exempt pursuant to throughput limits in this section, that ever exceeds the throughput limit, shall be subject to the requirements of this Rule and shall remain subject to these requirements, even if throughput later falls below the threshold.

A.1.a Deleted

A.1.b The provisions of section B.4 shall not apply to a Retail Service Station in existence prior to December 1, 1988, where the rolling thirty-day throughput of Gasoline to all of the containers does not exceed 40,000 gallons and the annual Gasoline Throughput of the facility does not exceed 480,000 gallons per calendar year. This exemption shall not apply to any Retail Service Station where tanks have been replaced since December 1, 1988.

A.1.c The provisions of Section B.4 shall not apply to a stationary storage tank equipped with a Submerged Fill Pipe, or a Pressure Tank as described in Rule 101, where no more than 10,000 gallons are transferred into motor vehicle tanks in any calendar month, provided that the facility is not a Retail Service Station.

A.1.d The provisions of Sections B.1.k, B.1.l, B.1.m and B.1.n, shall not apply to out-of-service or empty storage tanks while they are undergoing cleaning, stock change, tank and roof repairs, or removal of contaminated stock provided that the following provisions are implemented:

A.1.d.1 Written notice is received by the APCO at least 72 hours prior to such work being done (verbal notices are acceptable only in cases of emergency and if they are followed by a written notice);

A.1.d.2 For floating roof tanks, when the floating roof is resting on the leg supports, the process of emptying and refilling shall be accomplished as rapidly as possible. Emissions shall be minimized during the

process of filling, empty and refilling.

A.1.d.3 Vapor Recovery Systems are operated on tanks so equipped, during filling, flushing, and emptying procedure prior to opening tanks for clean out;

A.1.d.4 A report demonstrating compliance with Section A.1.d is submitted to the APCO no later than 30 days after returning to normal operation;

A.1.d.5 The tank is in compliance with this rule prior to notification;

A.1.d.6 The APCO is notified when work is completed.

A.1.e The provisions of Sections B.1.k, B.1.l, B.1.m and B.1.n,, shall not apply to in-service tanks undergoing preventive maintenance, including, but not limited to primary seal inspection, removal or installation of a secondary seal, repairs of regulators, fittings, deck components, hatches, valves, roofs, flame arrestors, or compressors, provided that the following conditions are met:

A.1.e.1 Written notice is received by the APCO at least 72 hours prior to such work being done(verbal notices are acceptable only in cases of emergency and if they are followed by a written notice);

A.1.e.2 the tank is in compliance with this Rule prior to notification;

A.1.e.3 no product moves in or out of the storage tank and emissions are minimized through the use of vapor recovery devices;

A.1.e.4 an Authority to Construct is obtained prior to commencing work, if required under District Rules;

A.1.e.5 The APCO is notified when work is completed;

A.1.e.6 a report is submitted to the APCO no later 30 days after returning to normal operation, demonstrating compliance with Section A.1.e;

A.1.e.7 The time of exemption allowed under this section shall not exceed 72 hours, unless an extension is granted by the APCO.

A.1.f The provisions of section B.1 shall not apply to a stationary storage tank equipped with a Submerged Fill Pipe, or a Pressure Tank as described in Rule 101, with a capacity of 1000 gallons or less, where no more than 3000 gallons are transferred into motor vehicle tanks in any calendar month, provided that the facility is not a Retail Service Station.

B Requirements - Transfer of Gasoline into Stationary Storage Containers (Phase I)

B.1 A person shall not store, transfer, permit the storage or transfer, or provide equipment for the storage or transfer of Gasoline from any tank truck, trailer or railroad tank car into any stationary storage container with a capacity of more than 250 gallons unless all of the following conditions are met:

B.1.a such container is equipped with a permanent Submerged Fill Pipe, unless such tank is a Pressure Tank as described in Rule 101-Definitions;

B.1.b such container is equipped with a Phase I "ARB-certified" Vapor Recovery System;

B.1.c all vapor return lines are connected between the tank truck, trailer or railroad tank car and the stationary storage container;

B.1.d the Vapor Recovery System is operating in accordance with the manufacturer's specifications and the delivery vehicle, including all hoses, fittings, and couplings, is maintained in a vapor-tight condition, as defined by the applicable ARB certification and test procedures, and equipment is operated and maintained according to manufacturers' specifications, except that hatch openings of no more than three minutes in duration are permitted for visual inspection provided that all the following are met:

B.1.d.1 pumping has been stopped for at least 3 minutes prior to opening;

B.1.d.2 the hatch is closed before pumping is resumed.

B.1.e except for above-ground tanks, all lines are gravity drained, in such a manner that upon disconnect no liquid spillage would be expected;

B.1.f above-ground tanks shall be equipped with dry breaks, with any

liquid spillage upon line disconnect not exceeding 10 ml (.02 pints);

B.1.g equipment subject to this section is operated and maintained, with no defects, as follows:

B.1.g.1 all fill tubes are equipped with vapor-tight covers, including gaskets;

B.1.g.2 all dry breaks have vapor-tight seals and are equipped with vapor-tight covers or dust covers;

B.1.g.3 coaxial fill tubes are operated so there is no obstruction of vapor passage from the storage tank back to the delivery vehicle;

B.1.g.4 the fill tube assembly, including fill tubes, fittings and gaskets, is maintained to prevent vapor leakage from any portion of the Vapor Recovery System;

B.1.g.5 all storage tank vapor return pipes, without dry breaks are equipped with vapor-tight covers, including gaskets.

B.1.h Any above ground Gasoline storage container with 250 gallons or more but less than 40,000 gallons capacity shall be equipped with a pressure-vacuum relief valve with minimum pressure and vacuum settings of 90% of the maximum safe pressure and vacuum ratings of the container, or a vapor control system as specified in B.1.k.

B.1.i Any above ground Gasoline storage container with 40,000 gallons capacity or more shall be equipped with a vapor control system as specified in B.1.k.

B.1.j No person shall store any Gasoline with a true vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions in any storage container with an internal floating roof or external floating roof.

B.1.k For the purposes of B.1.h and B.1.i, Vapor Control System shall mean:

B.1.k.1 an external floating roof tank consisting of a pontoon-type or double deck-type cover resting on the surface of the liquid contents and properly installed, maintained, and in good operating order. External floating roofs shall have both a primary and a

secondary seal, one above the other. Primary and secondary seals shall comply with the criteria specified in Sections B.1.l and B.1.m of this Rule, or

B.1.k.2 an internal floating roof tank consisting of a pan, pontoon, or double-deck that rests on the liquid surface and is properly installed, and maintained in good operating order. Internal floating roof seals shall comply with the criteria specified in Rule 414 Section F and Sections B.1.l and B.1.n of this Rule, or

B.1.k.3 other equipment, approved by the Air Pollution Control Officer, that has a capture and control efficiency of at least 95% by weight, or

B.1.k.4 a closed-type Vapor Recovery System, with a vapor recovery efficiency of at least 95 percent by weight, capable of collecting all Reactive Organic Compounds. Any tank gauging or sampling device on a tank vented to the Vapor Recovery System shall be equipped with a leak-free cover which shall be closed at all times except during gauging or sampling. All piping, valves and fittings shall be designed and constructed to operate in a leak-free condition, and shall be maintained and operated in a leak-free condition so as to minimize the release of Reactive Organic Compound vapors.

B.1.l Requirements for All closure Devices

B.1.l.1 The closure device on any external floating roof tank or any internal floating roof tank shall meet the following requirements:

B.1.l.1.a any secondary seals shall extend from the roof to the tank shell. Secondary seals shall not be attached to primary seals and shall not be shoe-mounted;

B.1.l.1.b All openings in any floating roof or floating cover, except pressure/vacuum valves and hatches on manhole covers, shall provide projections below liquid surface. The projections shall be designed to prevent belching of liquid and to prevent entrained or foamed

Reactive Organic Compounds from escaping from the liquid contents of the tank and shall be equipped with a cover, seal, or lid which shall be gas tight at all times, except when the device or appurtenance is in use.

B.1.l.1.c Pressure-vacuum valves shall be set in accordance with appropriate recommendations of the American Petroleum Institute, shall be properly installed, properly maintained, and in good operating order, and shall remain in a leak-free condition except when operating pressure exceeds the valve set pressure.

B.1.l.2 Solid sampling or gauging wells, and similar fixed projections through a floating roof, such as an anti-rotational pipe, shall meet the following requirements:

B.1.l.2.a the sampling or gauging well shall provide a projection of at least two (2) inches below the liquid surface;

B.1.l.2.b the sampling or gauging well shall be equipped with a cover, seal or lid, which shall be in a closed position with no gap exceeding 1/8 inch, except when the sampling or gauging well is in use;

B.1.l.2.c in no case shall the gap between the sampling or gauging well and the roof exceed 2 inch. The length of the gap between the sampling or gauging well and the roof shall be added to the cumulative length of the gaps measured to determine compliance of the secondary seal as specified in Subsections B.1.m.2.c., B.1.m.3.a. and B.1.m.4.b.

B.1.l.3 Slotted sampling or gauging wells shall meet the following requirements:

B.1.l.3.a the sampling or gauging well shall provide a projection of at least two (2) inches below the liquid surface.

B.1.l.3.b the sampling or gauging well shall have an internal float designed to minimize the gap between the float and the sampling or gauging well, provided that the gap in no case exceeds 2 inch;

B.1.l.3.c in no case shall the gap between the sampling or gauging well and the roof exceed 2 inch. The length of the gap between the sampling or gauging well and the roof shall be added to the cumulative length of the gaps measured to determine compliance of the secondary seal as specified in Subsections B.1.m.2.c, B.1.m.3.a., and B.1.m.4.b.

B.1.l.3.d Any emergency roof drain that drains back to the stored liquid shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least 90 percent of the area of the opening;

B.1.l.4 Any metallic shoe-type seal shall meet the following requirements:

B.1.l.4.a one end of the shoe shall extend at least two (2) inches into the stored liquid and the other end shall extend a minimum vertical distance of 24 inches above the liquid surface;

B.1.l.4.b the gap between the shoe and tank wall shall not exceed three (3) inches for a welded tank or five (5) inches for a riveted tank at any point from the liquid surface to 18 inches above it.

B.1.m External Floating Roof Requirements

External floating roofs shall meet the following conditions in addition to the closure device requirements in Section B.1.l.

B.1.m.1 There shall be no holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric which allow the emission of Reactive Organic Compounds to the atmosphere.

B.1.m.2 Welded Tanks with Primary Metallic Shoe Seals:

B.1.m.2.a The cumulative length of all gaps between the primary seal and the tank shell exceeding 2 inch shall not be more than ten (10) percent, and exceeding 1/8 inch shall not be more than 40 percent of the tank circumference.

B.1.m.2.b No gap between the tank shell and the primary seal shall exceed 1-1/2 inches; no continuous gap greater than 1/8 inch shall exceed ten (10) percent of the circumference of the tank.

B.1.m.2.c The cumulative length of all gaps between the secondary seal and the tank shell exceeding 1/8 inch shall not be more than five (5) percent of the tank circumference.

B.1.m.2.d No gap between the tank shell and the secondary seal shall exceed 2 inch.

B.1.m.2.e The secondary seal shall allow easy insertion of probes up to 1-1/2 inches in width in order to measure gaps in the primary seal.

B.1.m.3 Tanks with Primary Resilient-Toroid Seals:

B.1.m.3.a The cumulative length of all gaps between the tank shell and the primary or secondary seal exceeding 1/8 inch shall not be more than five (5) percent of the circumference of the tank.

B.1.m.3.b No gap between the tank shell and the primary or secondary seal shall exceed ½ inch.

B.1.m.3.c The secondary seal shall allow easy insertion of probes up to 2 inch in width in order to measure gaps in the primary seal.

B.1.m.3.d The primary resilient toroid seal shall be liquid-mounted.

B.1.m.4 Riveted Tanks with Primary Metallic Shoe Seals:

B.1.m.4.a Gaps between the tank shell and the primary seal shall not exceed 2-1/2 inches. The cumulative length of all primary seal gaps exceeding 1-1/2 inches shall be not more than ten (10) percent of the circumference of the tank.

B.1.m.4.b The secondary seal shall consist of at least two sealing surfaces, so that the sealing surfaces prevent the emission of Reactive Organic Compounds around the rivets. Serrated sealing surfaces are allowable if the length of serration does not exceed six (6) inches. No gap between the tank shell and the secondary seal shall exceed 2 inch. The cumulative length of all secondary seal gaps exceeding 1/8 inch shall be not more than five (5) percent of the circumference.

B.1.m.5 Welded Tanks with “Zero Gap” Secondary Seals

Any secondary seal on a welded tank shall meet the following conditions:

B.1.m.5.a The gap between the tank shell and the primary seal shall not exceed 1-1/2 inches. A continuous gap in the primary seal greater than 1/8 inch shall not exceed ten (10) percent of the circumference of the tank. The cumulative length of all primary seal gaps exceeding ½ inch shall be not more than ten (10) percent of the

circumference. The cumulative length of all primary seal gaps exceeding 1/8 inch shall be not more than 40 percent of the circumference.

B.1.m.5.b There shall be no visible or measurable gap between the tank shell and the secondary seal, excluding gaps less than two (2) inches from vertical weld seams.

B.1.n Internal Floating Roof Requirements.

B.1.n.1 For any fixed roof tank with an internal floating-type cover, the closure device shall consist of one of the following in addition to the closure device requirements in Section B.1.l.

B.1.n.1.a A liquid mounted primary seal only, mounted in full contact with the liquid in the annular space between the tank shell and floating roof, or

B.1.n.1.b Both a primary and a secondary seal, one above the other.

B.1.n.2 There shall be no holes, tears, or other openings in the seal or seal fabric which allow the emission of Reactive Organic Compound vapors through the primary or secondary seals.

B.2 Requirements - Transfer of Gasoline from Gasoline Terminals and Gasoline Bulk Plants

B.2.a Any person transferring, permitting the transfer, or providing equipment for the transfer of Gasoline into a Gasoline Delivery Vessel at a Gasoline Terminal or Gasoline Bulk Plant shall use a CARB-certified Vapor Recovery System. The Vapor Recovery System shall limit the ROC emissions to 0.29 pounds per 1000 gallons of Gasoline loaded from Gasoline Terminals and 0.50 pounds per 1000 gallons of Gasoline loaded from Gasoline Bulk Plants.

B.2.b Any person transferring, permitting the transfer, or providing equipment for the transfer of Gasoline into a Gasoline Delivery Vessel shall ensure that loading is accomplished in such a manner

that displaced Gasoline Vapors are vented only to the Vapor Recovery System. Measures shall be taken to insure that the loading device is leak free when it is not in use and to accomplish complete drainage before the loading device is disconnected.

B.2.c Switch loading shall be subject to the requirements of Section B.2.a of this Rule.

B.2.d Each calendar month, any Gasoline Terminal or Gasoline Bulk Plant shall be inspected by the operator for liquid and vapor leaks during product transfer operations. For the purposes of this subsection, detection methods incorporating sight, sound, or smell are acceptable. Any leaks detected shall be recorded according to the provisions of Section D.2. Appropriate corrective action must be taken immediately to correct the leak. Any leak must be repaired within 15 days of detection.

B.3 Requirements - Gasoline Delivery Vessels

B.3.a Any Gasoline Delivery Vessel manufactured and purchased after June 27, 1977 shall be equipped with a Vapor Recovery System approved by the CARB pursuant to Section 41692 of the State Health and Safety Code. The vapor tightness of such system shall be determined using CARB Test Method TP-204.3, Determination of Leak(s), or shall meet the specifications for a "vapor-tight Gasoline tank truck" specified in 40 CFR 60.501 (in conjunction with EPA Test Method 27).

B.3.b Any Gasoline Delivery Vessel loaded with Gasoline at a Gasoline Terminal or Gasoline Bulk Plant, equipped with a Vapor Recovery System as required by This Rule, shall be certified annually by CARB pursuant to Section 41692 of the State Health and Safety Code.

B.3.c Any Gasoline Delivery Vessel used to transfer Gasoline into any storage container with 250 gallons or more capacity shall be certified annually by CARB pursuant to Section 41692 of the State health and Safety Code.

B.3.d Any person transferring or permitting the transfer of Gasoline into any Gasoline Delivery Vessel shall use a Submerged Fill Pipe or bottom loading.

B.3.e Any Vapor Recovery System shall be maintained and operated in a manner that prevents the gauge pressure in a delivery vessel from exceeding 18 inches of water column or 6 inches of water vacuum.

B.4 Requirements - Transfer of Gasoline into Vehicle Fuel Tanks (Phase II)

B.4.a Any person transferring, permitting the transfer, or providing equipment for the transfer of Gasoline from any container with 250 gallons or more capacity into any motor vehicle fuel tank with more than 5 gallons capacity shall use a permanently installed CARB-certified Phase II Vapor Recovery System during the transfer. The Phase II Vapor Recovery System shall be certified to be at least 95 percent effective when used in conjunction with a CARB-certified Phase I Vapor Recovery System.

B.4.b The Vapor Recovery System shall be operated in accordance with the manufacturers' specifications;

B.4.c An owner or operator shall not use or permit the use of any Phase II system or any component thereof containing a defect identified in Title 17, California Code of Regulations, Section 94006, until it has been repaired, replaced, or adjusted, as necessary to remove the defect, and, as required under Health and Safety Code Section 41960.2, the District personnel has reinspected the system or has authorized its use pending reinspection. Such defects include, but are not limited to the following:

B.4.c.1 torn or cut boots;

B.4.c.2 torn or cut face seals or face cones;

B.4.c.3 loose or broken retractors;

B.4.c.4 boots clamped or otherwise held in an open position;

B.4.c.5 leaking nozzles;

B.4.c.6 any nozzle components found loose, missing, or disconnected, including but not limited to boots, face seals, face cones, check valve wires, diaphragm covers, and latching devices;

B.4.c.7 defective shutoff mechanisms;

B.4.c.8 any vapor fuel hoses and associated components found loose, missing, or disconnected, including but not limited to flow restrictors, swivels and anti-recirculation valves;

B.4.c.9 crimped, cut, severed, or otherwise damaged vapor fuel hoses;

B.4.c.10 assist type Vapor Recovery Systems, or any components of such systems, missing, turned off, or otherwise not operating;

B.4.c.11 any improper or non-"ARB certified" equipment or components.

B.4.d The operator of each Retail Facility utilizing a Phase II Vapor Recovery System shall conspicuously post operating instructions and the Imperial County Air Pollution Control District telephone number for complaints in the immediate Gasoline dispensing area and a District-specified sign warning:

"Toxic Risk - Avoid Breathing Fumes -

For Your Own Protection DO NOT TOP TANK!!"

B.5 Additional Requirements

B.5.a Vapor recovery or vapor processing systems used to comply with the provisions of this Rule shall comply with all safety, fire, weights and measures, and other applicable codes or regulations.

B.5.b A person shall not offer for sale, sell, buy, or install within the Imperial County Air Pollution Control District, any new or rebuilt vapor recovery equipment unless the components and parts clearly identify, by markings, the certified manufacturing company and/or certified rebuilding company. Vapor Recovery Systems shall, at all times, be maintained in accordance with the manufacturer's specifications and the ARB certification.

B.5.c Upon completion of construction of any new or modified vapor recovery system, the owner or operator shall conduct and pass, within 30 calendar days, all applicable performance tests as required by the Authority to Construct, Permit to Operate and any applicable CARB executive orders.

B.5.d All applicable Phase II vapor recovery reverification tests at retail gasoline stations shall be conducted annually. Additionally, a person shall not operate gasoline dispensing equipment equipped with Phase I or Phase II vapor recovery equipment without complying with the applicable reverification tests pursuant to the requirements of an Authority to Construct, Permit to Operate and/or

any applicable CARB executive orders.

B.5.e All piping, valves and fittings on Vapor Recovery Systems and delivery vessels shall be designed and constructed to operate in a leak-free condition, and shall be maintained and operated in a leak-free condition to minimize the release of Reactive Organic Compound vapors.

B.5.f A person shall not perform or permit the "pump-out" (bulk transfer) of Gasoline from a storage container subject to section B unless such bulk transfer is performed using a vapor collection and transfer system capable of returning the displaced vapors from the Gasoline Delivery Vessel or other container being filled back to the stationary storage container. This vapor transfer is not required where the container is to be removed or filled with water for testing. For visual inspections, the procedures outlined in subsection B.1.d are applicable.

B.5.g Notwithstanding A.1.b at the time of Tank Replacement at an existing Retail Service Station, ARB-certified Phase I and II recovery system shall be installed and used thereafter on all of the station facilities.

B.5.h All equipment associated with delivery and loading operations shall be maintained to be leak free, vapor tight, and in good working order.

B.5.i Any person storing or transferring Gasoline shall follow good operating practices including but not limited to; preventing spills, storing Gasoline in closed containers, and disposing of Gasoline in compliance with all state and local regulations.

B.5.j All Phase II vapor recovery systems shall be used only in facilities equipped with a certified Phase I system so as to accomplish a 95% vapor recovery efficiency and shall comply with all applicable CARB executive orders, Permits to Operate and Authorities to Construct.

C Test Methods

C.1 The Reid vapor pressure for petroleum products shall be determined using Reid vapor pressure American Society of Testing and Materials (ASTM) Method No. D323-99a at the storage temperature.

C.2 The true vapor pressure shall be determined by the following the procedures:

C.2.a If the API gravity is greater than or equal to 20 degrees, then the vapor pressure shall be determined by measuring the vapor pressure and converting the result to true vapor pressure at the tank's maximum liquid storage temperature.

C.2.a.1 For storage tanks operating above or below ambient temperatures, the maximum liquid storage temperature is the highest calendar-month average of the storage temperature.

C.2.a.2 For storage tanks operating at ambient temperatures, the maximum liquid storage temperature is the maximum local monthly average ambient temperature as reported by the National Weather Service.

C.2.a.3 True vapor pressure shall be measured using ASTM D-323-99a, Test Method for Vapor Pressure for Petroleum Products.

C.2.a.4 Conversion shall be done using the American Petroleum Institute Nomograph (API 2518 from API Publication 2517, Second Edition, February 1980).

C.2.a.5 If the API nomograph scales do not encompass the quantities necessary for its use, conversion shall be done using the conversion calculation specified in the oil and gas section of the California Air Resources Board (ARB) document entitled "Technical Guidance Document to the Criteria and Guidelines Regulation for AB 2588" and dated August 1989.

C.2.b Deleted

C.2.c The API gravity shall be determined according to ASTM Method D-287-92e1.

C.2.d Separate samples shall be taken for API gravity and vapor pressure determinations. Sampling for API gravity shall be according to ASTM Method D-4057-95.

C.3 The emission factor of a Vapor Recovery System of a Gasoline Bulk Plant shall be determined using the California Air Resources Board’s Test Method TP-202.1, Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants.

C.4 The emission factor of a Vapor Recovery System of a Gasoline Terminal

shall be determined using the California Air Resources Board's Test Method TP-203.1, Determination of Emission Factor of Vapor Recovery Systems of Terminals.

C.5 Vapor tightness for Gasoline Delivery Vessels shall be determined using the CTG EPA-450/2-78-051, entitled, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," or CARB Test Method TP-204.3, Determination of Leak(s).

C.6 EPA Methods 25A or EPA Method 25B, as specified in 40 CFR 60 Appendix A, shall be used to determine control device efficiency.

C.7 Liquid leaks shall be measured by observing the number of drops per minute. A leak exists when the dripping rate exceeds three or more drops per minute of liquid containing Reactive Organic Compounds.

C.8 Vapor leaks shall be determined using one of the following methods:

C.8.a EPA Method 21 (Determination of Volatile Organic Compound Leaks), as specified in 40 CFR 60 Appendix A, or,

C.8.b Soap Bubble Screening Technique: The soap bubble screening technique involves spraying a solution of rug shampoo in distilled water (or glycol) over all points of suspected leakage. Any escaping gas will thus be encapsulated in bubbles forming at the point of the leak. This technique is for screening purposes only and further testing is required to determine the leaks volume or measurement. Recommended are the referenced test methods in C.10, C.13 and C.14. In addition to the cited test methods in sections C.10, C.13 and C.14 CARB test method TP-201.6C Compliance Determination of Liquid Removal Rate is recommended.

C.9 The Hydrocarbon emission factor and/or vapor recovery efficiency for Phase II vapor recovery systems shall be determined using CARB test procedures TP-201.2, TP-201.2A and TP-201.2F.

C.10 The static pressure performance of Phase II systems shall be determined using CARB test procedure TP-201.3 and under no circumstances shall Phase II components be partially or completely immersed in water to check for pressure integrity.

C.11 Liquid retention in the nozzle and vapor path on the atmospheric side of the vapor check valve shall not exceed 100 ml per 1,000 gallons. Nozzle "spitting" shall not exceed 1.0 ml per nozzle per test. Both performance tests shall be determined by CARB test procedure TP-201.2E and shall

comply with the standards set by any applicable executive orders and CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.)

C.12 Where applicable in cases where a liquid removal system is required in conjunction with a Phase II balance system the liquid removal rate shall be determined in accordance with TP-201.6

C.13 The dynamic pressure drop from the tip of the nozzle spout to the underground storage tank for balance systems shall be determined by CARB test procedure TP-201.4 and shall comply with the standards set by any applicable executive orders and CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.)

C.14 The maximum air to liquid ratio performance standard and specifications applicable to Phase II assist vapor recovery systems shall be determined by CARB test procedure TP-201.5 and shall comply with the standards set by any applicable executive orders and CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.)

D Record Keeping

D.1 The owner or operator of any Gasoline Terminal, Gasoline Bulk Plant or Gasoline storage container subject to this Rule, shall maintain records showing the quantity of all Gasoline delivered to the site, the quantity of all Gasoline loaded into Gasoline tank trucks, and the dates of delivery of each quantity. The operator of a Retail Facility shall provide to the Imperial County Air Pollution Control District, upon request, the annual Gasoline Throughput of such facility.

D.2 All Gasoline Bulk Plants and Gasoline Terminals shall maintain a record of each monthly leak inspection required under Section B.2.d. Inspection records shall include, at a minimum, the following information:

D.2.a Date of inspection;

D.2.b Findings (may indicate no leaks discovered or location, nature, and severity of each leak);

D.2.c Leak determination method;

D.2.d Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days); and

D.2.e Name and signature of person performing the inspection.

D.3 Any person claiming an exemption to the capacity limits specified in Section A.1 shall specify in the permit to operate, the capacity of the storage tanks, the types and vapor pressure of liquids transferred.

D.4 Any person claiming an exemption from the throughput provisions of Section A.1 shall keep daily throughput records.

D.5 Records sufficient to demonstrate the continuous compliance of emissions control equipment shall be maintained.

D.6 All records shall be retained for at least five years in a readily accessible location and shall be made available to the District upon request.

E Compliance Schedule

For purposes of this section, the following compliance schedule shall apply:

E.1 The owner or operator of any new Retail Service Station subject to this Rule shall comply with the provisions of this Rule at the time Gasoline is first sold from the station.

E.2 The owner or operator of any existing Retail Service Station without ARB-certified Phase I and II Vapor Recovery Systems shall notify the air pollution control officer in writing in advance of an intended Tank Replacement and shall secure all necessary permits and other approvals for the installation of Phase I and II Vapor Recovery Systems. The owner or operator of an existing Retail Service Station shall comply with the provisions of this Rule upon completion of the Tank Replacement.

E.3 The owner or operator of existing equipment and/or facility subject to this Rule, who is not currently in compliance as of September 14, 1999, shall secure all permits and other approvals necessary for installation of the equipment required by this Rule. The owner or operator shall comply with the provisions of this Rule within 12 months after date of adoption.

E.4 The owner or operator of a previously exempt stationary storage tank or Retail Service Station, where the operation or annual throughput has changed such that the exemption from either the Phase I or II requirements or both is no longer applicable, shall comply with the provisions of this Rule within 12 months of the date that the throughput exceeds the threshold exemptions. This requirement does not apply to existing Retail Service Stations subject to this Rule as a result of Tank Replacement.

RULE 420 BEEF FEEDLOTS

formerly LIVESTOCK FEED YARDS
(Adopted 11/19/85; revised 9/14/99; 08/13/2002; 10/10/2006)

A Applicability

Any Person using or operating a Large Confined Animal Facility shall acquire and maintain a Large Confined Animal Facilities (LCAF) permit according to the conditions set forth in Rule 217. The LCAF permit application, fee and renewal requirements for such a permit shall be substantially the same as those set out in Regulation II for permits, except as herein after provided.

B Requirements

In addition to the conditions set forth in Rule 217 a Beef Feedlot which submits an application for a LCAF permit shall include a written plan designed to effectively control Dust. Such Dust control plan shall contain the following:

B.1 Procedures for assuring Manure at all times is maintained at a moisture factor between 20% and 40%, in the top three inches (3") in occupied pens.

B.2 An outline of Manure management practices, including standards and time tables for Manure removal, designed to effectively control Dust and to prevent adverse public health conditions.

C Compliance

The Air Pollution Control Officer shall grant an Authority to Construct (ATC) or a Permit to Operate (PTO) upon receiving a Dust control plan which he believes is reasonably designed to meet the criteria set forth in B.1 and B.2 above. Failure to comply with the terms of an approved Dust control plan shall be grounds for an ATC or PTO revocation and/or for imposition of other penalties and sanctions contained in the District's rules and regulations.

D Exceptions

The Air Pollution Control Officer may grant exception to the provisions of section B.1 only for the following:

D.1 An exception to the minimum 20% moisture content limit may be granted for a period of up to sixty (60) days in any fiscal year, provided a written application is submitted describing in detail an alternative dust control plan. The alternative dust control plan shall contain measures to control Dust as effectively as to assure compliance with Rule 401, Opacity, and Rule 407, Nuisance.

D.2 An exception to the maximum 40% moisture content limit may be allowed during rainy periods, as defined in Rule 101, Definitions.

E Test Methods

The following test method shall be used to determine manure moisture content within occupied pens at the livestock feed yards.

E.1 The corrals shall be sampled in such a manner as to be representative of the feedlot. No fewer than 10% of the total number of occupied corrals shall be tested. Selection shall be random and must have at least four (4) inches of manure base for the test to be valid. Boot covers shall be worn to help prevent transport of biological contaminants into the corrals.

E.2 Random samples shall be taken throughout each selected corral. The moisture content of manure shall be determined with an electrical conductivity moisture meter. Moisture reading shall be taken by introducing the probe three inches into the manure. All readings shall be recorded and averaged.

E.3 Random samples is defined for purposes of this rule as the moisture reading of occupied corrals in a manner lacking previous calculation, direction or without intent of a specific result or purpose.

RULE 424 ARCHITECTURAL COATINGS

(Adopted 11/9/82; revised 9/14/99; 01/11/2005; 02/23/2010)

A. Applicability

Except as provided in section C, this rule is applicable to any person who supplies, sells, offers for sale, or manufactures, blends, or repackages any architectural coating for use within the District, as well as any person who applies or solicits the application of any architectural coating within the District. Terms applicable to this rule are defined in Rule 101-Definitions.

B. Severability

Each provision of this rule shall be deemed severable, and in the event that any provision of this rule is held to be invalid, the remainder of this rule shall continue in full force and effect.

C. Exemptions

The requirements of this rule do not apply to:

C.1 Any architectural coatings that are supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.

C.2 Any aerosol coating product

C.3 With the exception of section F, this rule does not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

D. Standards

D.1 **VOC Content Limits:** Except as provided in subsections D.2 or D.3, no person shall: (i) manufacture, blend, or repackage for use within the district; or (ii) supply, sell, or offer for sale for use within the district; or (iii) solicit for application or apply within the district, any architectural coating with a VOC content in excess of the corresponding limits specified in Table 424-1 and Table 424-2. Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

D.2 **Most Restrictive VOC Limit:** Effective until January 1, 2011, If anywhere on the container of any architectural coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any

representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table 424-1, then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified in subsections D.2.a through D.2.o below.

D.2.a Antenna coatings
D.2.b Antifouling coatings
D.2.c Bituminous roof primers
D.2.d Fire retardant coatings
D.2.e Flow Coatings
D.2.f High temperature coatings
D.2.g Industrial maintenance coatings
D.2.h Lacquer coatings (including lacquer sanding sealers)
D.2.i Low solids coatings
D.2.j Metallic pigmented coatings
D.2.k Pretreatment wash primers
D.2.l Shellacs
D.2.m Specialty primers, sealers, and undercoaters
D.2.n Temperature indicator safety coatings
D.2.o Wood preservative

Effective January 1, 2011, If a coating meets the definition in Rule 101 for one or more specialty coating categories that are listed in Table 424-1 and Table 424-2, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Non-flat – High Gloss coatings, but is required to meet VOC limit for the applicable specialty coating listed in Table 424-2.

Effective January 1, 2011, with the exception of the specialty coating categories specified in subsection D.2.p through D.2.ee below, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 424-2, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

D.2.p Aluminum roof coatings
D.2.q Basement specialty coatings
D.2.r Bituminous roof primers
D.2.s High temperature coatings
D.2.t Industrial maintenance coatings
D.2.u Low-solids coatings
D.2.v Metallic pigmented coatings
D.2.w Pretreatment wash primers

D.2.x Reactive penetrating sealers
D.2.y Shellacs
D.2.z Specialty primers, sealers, and undercoaters
D.2.aa Stone consolidants
D.2.bb Tub and tile refinish coatings
D.2.cc Wood coatings
D.2.dd Wood preservatives
D.2.ee Zinc-rich primers

D.3 **Sell-Through of Coatings:** A coating manufactured prior to the effective date specified for that coating in Table 424-2, and that complied with the standards in effect at the time the coating was manufactured, may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, such coating may be applied at any time, both before and after the specified effective date. This subsection D.3 does not apply to any coating that does not display the date or date-code required by subsections E.1.

D.4 **Painting Practices:** All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers or any VOC containing materials used for thinning and cleanup shall also be closed when not in use.

D.5 **Thinning:** No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table 424-1 and Table 424-2.

D.6 **Rust Preventative Coatings:** Effective until January 1, 2012, a person shall only apply or solicit the application of a rust preventative coating for non-industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC limit specified in subsection D.1.

D.7 **Coatings Not Listed in Table 424-1 and Table 424-2:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 424-1 and Table 424-2, the VOC content limit shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat-High Gloss coating, based on its gloss, as defined in Rule 101-Definitions and the corresponding Flat, Nonflat, or Nonflat – High Gloss coating VOC limit shall apply.

D.8 **Lacquers:** Effective until January 1, 2011, notwithstanding the provisions of subsection D.1 and D.5, a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days

with relative humidity greater than 70 percent and temperature below 65EF, at the time of application, provided that the coating contains acetone and is no more than 550 grams of VOC per liter of coating, less exempt compounds, prior to the addition of VOC.

E. Container Labeling Requirements

Each manufacturer of any architectural coating subject to this rule shall display the information listed in sections E.1 through E.14 on the coating container (or label) in which the coating is sold or distributed.

E.1 **Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the California Air Resources Board.

E.2 **Thinning Recommendations:** A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

E.3 **VOC Content:** Each container of any coating subject to this rule shall display one of the following values in grams of VOC per liter of coating:

E.2.a Maximum VOC Content as determined from all potential product formulations; or

E.2.b VOC Content as determined from actual formulation data, or

E.2.c VOC Content as determined using the test methods in subsection G.2.

If the manufacturer does not recommend thinning, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOC's during the curing process, the VOC content must include the VOC's emitted during curing. VOC Content shall be determined as defined in Rule 101-Definitions.

E.4 **Faux Finishing Coatings:** Effective January 1, 2011, the labels of all clear topcoat Faux Finishing coatings shall prominently display the statement “This product can only be sold or used as part of a Faux Finishing coating system.”

E.5 **Industrial Maintenance Coatings:** Effective January 1, 2011, the labels of all Industrial Maintenance coatings shall prominently display the statement “For industrial use only” or “For professional use only” or “Not For Residential Use” or “Not Intended For Residential Use”.

E.6 **Clear Brushing Lacquers:** Until January 1, 2011, the labels of all clear brushing lacquers shall prominently display the statements AFor brush application only,@ and AThis product must not be thinned or sprayed.@

E.7 **Rust Preventative Coatings:** The labels of all rust preventive coatings shall prominently display the statement “For Metal Substances Only.”

E.8 **Specialty Primers, Sealers, and Undercoaters:** Until January 1, 2012, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subsection E.8.a thru E.8.c.

E.8.a For fire-damaged substrates
E.8.b For smoke-damaged substrates
E.8.c For water-damaged substrates

E.9 **Quick Dry Enamels:** Until January 1, 2011, the labels of all quick dry enamels shall prominently display the words AQuick Dry@ and the dry hard time.

E.10 **Reactive Penetrating Sealers:** Effective January 1, 2011, the labels of all Reactive Penetrating Sealers shall prominently display the statement “Reactive Penetrating Sealer”.

E.11 **Stone Consolidants:** Effective Janaury 1, 2011, the labels of all Stone Consolidants shall prominently display the statement “Stone Consolidant – For Professional Use Only”.

E.12 **Nonflat - High Gloss Coatings:** The labels of all Nonflat-High Gloss coatings shall prominently display the words “High Gloss.”

E.13 **Wood Coatings:** Effective January 1, 2011 the labels of al Wood Coatings shall prominently display the statement “For Wood Substrates Only.”

E.14 **Zinc Rich Primers**: Effective January 1, 2011, the labels of all Zinc Rich primers shall prominently display the statement “For Professional Use Only” or “Not For Residential Use” or “Not Intended For Residential Use” or “For Industrial Use Only”.

F. Reporting Requirements

F.1 Sales Data: A responsible official from each manufacturer shall upon request of the Executive Officer of the California Air Resources Board, or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to:

F.1.a the name and mailing address of the manufacturer;
F.1.b the name, address and telephone number of a contact person;
F.1.c the name of the coating product as it appears on the label and the applicable coating category;
F.1.d whether the product is marketed for interior or exterior use or both;
F.1.e the number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
F.1.f the VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
F.1.g the names and CAS numbers of the VOC constituents in the product;
F.1.h the names and CAS number of any compounds in the product specifically exempted from the VOC definition, as listed in Rule 101-Definitions;
F.1.i whether the product is marketed as solventborne, waterborne, or 100% solids;
F.1.j description of resin or binder in the product;
F.1.k whether the coating is a single-component or multi-component product;
F.1.l the density of the product in pounds per gallon;
F.1.m the percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Rule 101-Definitions; and
F.1.n the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Rule 101-Definitions.

F.2 All sales data listed in subsection F.1.a thru F.1.n shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the California Air Resources Board may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022.

G. Compliance Provisions and Test Methods

G.1 **Calculation of VOC Content:** for the purpose of determining compliance with the VOC content limits in Table 424-1 and Table 424-2, the VOC content of a coating shall be determined as defined in Rule 101-Definitions. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

G.2 **VOC Content of Coatings:** To determine the physical properties of a coating in order to perform the calculations found in Rule 101-Definitions, the reference method for VOC content is U.S. EPA Method 24, incorporated by reference in subsection G.5.k, except as provided in subsections G.3 and G.4. An alternative method to determine the VOC content of coatings is the South Coast Air Quality Management District (SCAQMD) Method 304-91 (Revised February 1996), incorporated by reference in subsection G.5.l. The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised 1993), Bay Area Air Quality Management District (BAAQMD) Method 43 (Revised 1996), or BAAQMD Method 41 (Revised 1995), as applicable, incorporated by reference in subsections G.5.h, G.5.i, and G.5.j, respectively. To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in subsection G.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, record keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in subsection G.3. The District Air Pollution Control Officer (APCO) may require the manufacturer to conduct a Method 24 analysis.

G.3 **Alternative Test Methods:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection G.2, after review and approved in writing by the staffs of the District, the ARB, and the U.S. EPA, may also be used.

G.4 **Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in subsection G.5.m. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

G.5 **Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule.

G.5.a **Flame Spread Index:** The flame spread index of a fire-retardant coating shall be determined by ASTM E 84-07, “Standard Test Method for Surface Burning Characteristics of Building Materials” (see Rule 101, Fire-Retardant Coating).

G.5.b **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ASTM E 119-07, “Standard Test Methods for Fire Tests of Building Construction Materials” (see Rule 101, Fire-Resistive Coating).

G.5.c **Gloss Determination:** The gloss of a coating shall be determined by ASTM D 523-89 (1999). “Standard Test Method for Specular Gloss”(see Rule 101, Flat Coating, Nonflat Coating and Nonflat - High Gloss Coating).

G.5.d **Metal Content of Coatings:** The metallic content of a coating shall be determined by SCAQMD Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Rule 101, Aluminum Roof Coatings, Faux Finishing Coatings, and Metallic Pigmented Coating).

G.5.e **Acid Content of Coatings:** The acid content of a coating shall be determined by ASTM D 1613-06, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products” (see Rule 101, Pre-Treatment Wash Primer).

G.5.f **Drying Times:** The set-to-touch, dry-hard, dry-to-touch, and dry-to-

recoat times of a coating shall be determined by ASTM Designation D 1640-95, AStandard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature@ (see Rule 101, Quick-Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack-free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95.

G.5.g **Surface Chalkiness:** The chalkiness of a surface shall be determined using ASTM Designation D4214-98, AStandard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films@ (see Rule 101, Specialty Primer, Sealer, and Undercoater).

G.5.h **Exempt Compounds-Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with section ~~6~~G by BAAQMD Method 43, “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials,” *BAAQMD Manual of Procedures*, Volume III, adopted 11/6/96 (see Rule 101, Volatile Organic Compound, and subsection G.2).

G.5.i **Exempt Compunds-Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrib~~i~~fluoride, shall be analyzed as an exempt compound for compliance with section G by BAAQMD Method 41, “Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotribluoride.” *BAAQMD Manual of Procedures,* Volume III, adopted 12/20/95 (see Rule 101, Volatile Organic Compound, and subsection G.2).

G.5.j **Exempt Compounds:** The content of compounds exempt under U.S. EPA Method 24 shall be analyzed by SCAQMD Method 303-91 (Revised 1993), “Determination of Exempt Compounds,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Rule 101, Volatile Organic Compound, and subsection G.2).

G.5.k **VOC Content of Coatings:** The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in appendix A of 40 *Code of Federal Regulations* (CFR) part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings” (see subsection G.2).

G.5.l **Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), ADetermination of

Volatile Organic Compounds (VOC) in Various Materials," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see subsection G.2).

G.5.m **Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (see subsection G.4).

G.5.n **Hydrostatic Pressure for Basement Specialty Coatings:** ASTM D7088-04 "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry" (see Rule 101, Basement Specialty Coating).

G.5.o **Tub and Tile Refinish Coating Adhesion:** ASTM D 4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D3359-02, "Standard Test Methods for Measuring Adhesion by Tape Test" (see Rule 101, Tub and Tile Refinish Coating).

G.5.p **Tub and Tile Refinish Coating Hardness**: ASTM D 3363-05, "Standard Test Method for Film Hardness by Pencil Test" (see Rule 101, Tub and Tile Refinish Coating).

G.5.q **Tub and Tile Refinish Coating Abrasion Resistance:** ASTM D 4060-07, "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (Rule 101, Tub and Tile Refinish Coating).

G.5.r **Tub and Tile Refinish Coating Water Resistance:** ASTM D 4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D714-02e1, "Standard Test Method for Evaluating Degree of Blistering of Paints" (see Rule 101, Tub and Tile Refinish Coating).

G.5.s **Waterproofing Membrane:** ASTM C836-06, "Standard Specification for High Solid Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course" (see Rule 101, Waterproofing Membrane).

G.5.t **Mold and Mildew Growth for Basement Specialty Coatings**: ASTM D3273-00, "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber" and ASTM D3274-95, "Standard Test Method for

Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth of Soil and Dirt Accumulation" (see Rule 101, Basement Specialty Coating).

G.5.u **Reactive Penetrating Sealer Water Repellency:** ASTM C67-07, "Standard Test Method for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97-02, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone", or ASTM C140-06, "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (see Rule 101, Reactive Penetrating Sealer.)

G.5.v **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM E96/E96M-05, "Standard Test Method for Water Vapor Transmission of Materials" (see Rule 101, Reactive Penetrating Sealer).

G.5.w **Reactive Penetrating Sealer – Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures" (see Rule 101, Reactive Penetrating Sealer).

G.5.x **Stone Consolidants:** ASTM E2167-01, "Standard Guide for Selection and Use of Stone Consolidants" (see Rule 101, Stone Consolidant).

TABLE 424-1	
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS	
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.	
Table effective until January 1, 2011	
Coating Category	**Effective 5/1/2005**
Flat Coatings	100
Nonflat Coatings	150
Nonflat-High Gloss Coatings	250
Specialty Coatings	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Clear Wood Coatings	
Clear Brushing Lacquers	680
Varnishes	350
Sanding Sealers (other than lacquer sanding sealers)	350
Lacquers (including lacquer sanding sealers)	550
Concrete Curing Compounds	350
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire Resistive Coatings	350
Fire Retardant Coatings	
Clear	650
Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High Temperature Coatings	420
Industrial Maintenance Coatings	250
Low Solids Coatings[a]	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Pre-treatment Wash Primers	420
Primers, Sealers & Undercoaters	200

TABLE 424-1	
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS	
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.	
Table effective until January 1, 2011	
Coating Category	**Effective 5/1/2005**
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers, and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellac:	
Clear	730
Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Traffic Marking Coatings	150
Waterproofing Concrete/Masonry Sealers	400
Waterproofing Sealers	250
Wood Preservatives	350

a. Limit is expressed as VOC Actual.

TABLE 424-2		
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS		
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.		
Table becomes effective January 1, 2011		
Coating Category	**Effective 1/1/2011**	**Effective 1/1/2012**
Flat Coatings	100	50
Nonflat Coatings	100	
Nonflat-High Gloss Coatings	150	
Specialty Coatings		
Aluminum Roof Coatings	400	
Basement Specialty Coatings	400	
Bituminous Roof Coatings	50	
Bituminous Roof Primers	350	
Bond Breakers	350	
Concrete Curing Compounds	350	
Concrete/Masonry Sealers	100	
Driveway Sealers	50	
Dry Fog Coatings	150	
Faux Finishing Coatings	350	
Fire Resistive Coatings	350	
Floor Coatings	100	
Form-Release Compounds	250	
Graphic ArtsCoatings (Sign Paints)	500	
High Temperature Coatings	420	
Industrial Maintenance Coatings	250	
Low Solids Coatings[a]	120	
Magnesite Cement Coatings	450	
Mastic Texture Coatings	100	
Metallic Pigmented Coatings	500	
Multi-Color Coatings	250	
Pre-treatment Wash Primers	420	
Primers Sealers & Undercoaters	200	100
Reactive Penetrating Sealers	350	
Recycled Coatings	250	
Roof Coatings	50	
Rust Preventative Coatings	400	250
Shellac:		
Clear	730	
Opaque	550	

TABLE 424-2		
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS		
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.		
Table becomes effective January 1, 2011		
Coating Category	**Effective 1/1/2011**	**Effective 1/1/2012**
Specialty Primers, Sealers, and Undercoaters	350	100
Stains	250	
Stone Consolidants	450	
Swimming Pool Coatings	340	
Traffic Marking Coatings	100	
Tub and Tile Refinish Coatings	420	
Waterproofing Membranes	250	
Wood Coatings	275	
Wood Preservatives	350	
Zinc-Rich Primers	340	

a. Limit is expressed as VOC Actual.

RULE 425 AEROSPACE COATING OPERATIONS

(Adopted 8/5/89; revised 3/3/92; 9/14/99; 5/18/2004; 02/23/2010)

A. Applicability

A.1 This Rule is applicable to the Coating, masking, surface cleaning and paint stripping of Aerospace Components and the cleanup of Equipment associated with these operations. Terms applicable to this Rule are defined in Rule 101 - Definitions.

A.2 Any Coating, cleaning or surface preparation operation which is exempt from all or a portion of this Rule pursuant to Section A.3 shall comply with the provisions of Rule 417, Organic Solvents.

A.3 Exemptions

A.3.a A stationary source using 3 gallons or less of aerospace Coating per day is exempt from the requirements contained in Section B.

A.3.b The ROC limits specified in Table 425-1 of this Rule shall not apply to Coatings with separate formulations that are used in volumes of less than 20 gallons per formulation per year, provided that no more than 50 gallons total of such separate formulations are applied at the facility annually and it can be demonstrated that complying Coatings are not available.

A.3.c (Deleted)

A.3.d Touch-Up Coatings and Stencil Coatings.

A.3.e Coatings applied using non-refillable hand held aerosol spray containers.

A.3.f Prepreg Composite Materials.

A.4 Any facility claiming an exemption according to Section A.3.a or A.3.b must submit a request for exemption to the Air Pollution Control District and provide the following information in a District approved format:

A.4.a types of Coatings to be used;

A.4.b maximum volume of Coatings to be applied daily and yearly;

A.4.c mix ratio of Coatings and Reducers or quantities of any Coating components, Reducers of thinners;

A.4.d grams of ROC per liter of Coating, less water and less exempt organic compounds;

A.4.e method of application.

A.5 A request for continued exemption must be resubmitted to the Air Pollution Control District annually, prior to the first day of February, and contain updated usage information.

A.6 The Owner or Operator shall not qualify for the exemptions specified in Sections A.3.b and A.3.c of this Rule, unless written approval is received from the Air Pollution Control District stating that the facility qualifies for the exemptions.

A.7 An exceedance of the low usage limit specified in Sections A.3.a and A.3.b shall constitute a violation of this Rule.

Table 425-1

Coating	Grams of ROC Per Liter of Coating, Less Water, and Exempt Compounds
Primer	350
Topcoat	420
Adhesive Bonding Primers:	
Structural	850
For Elastomers and Elastomeric Adherents	850
All other Adhesive Bonding Primers	850
Adhesives:	
Structural Autoclavable	50
Structural Epoxy	50
Structural Non-Autoclavable	250
Elastomeric	850
All Other Adhesives	250
Flight-Test Coating	420
Fuel-Tank Coating	420
High Temperature Thermal Flash Resistant Coatings	800
Pretreatment Coatings	780
Radiation-effect Coating	800

Coating	Grams of ROC Per Liter of Coating, Less Water, and Exempt Compounds
Solid-film Lubricant:	
Fasteners Lubrication	880
Non-Fasteners Lubrication	880
Space-Vehicle Coatings:	
Electrostatic Discharge Protection	800
Thermocontrol Coatings	600
Other Space-vehicle Coatings	1000
Temporary Protective Coatings	250

B. Requirements

B.1 A Person shall not apply or solicit the application of any Coating or combination of Coatings, aerosols, or Adhesives with a ROC content, less water and less Exempt Compounds, in excess of the limits in Table 425-1. The requirements of this paragraph shall apply to all written or oral agreements.

B.2 Manufacturers of any Coating subject to this Rule shall display the maximum ROC content of the Coating after any mixing or thinning as recommended by the manufacturer. The ROC content shall be displayed as grams of ROC per liter of Coating. The volatile organic compound (VOC) content may be displayed instead of the Reactive Organic Compound (ROC) content as long as the manufacturer=s definition of VOC is consistent with the definition of ROC.

B.3 Closed containers shall be used for disposal and storage of cloth, paper, or other solvent-containing materials used for surface preparation, Coating, cleanup, and paint removal. Upon final disposal, the solvent containing material shall be transported to a permitted waste disposal facility in sealed metal or plastic molded drums with snap-on or screw-type lids.

B.4 Solvents containing Reactive Organic Compounds shall not be used for the cleanup of spray Equipment in Aerospace Component Coating operations unless 85 percent of the Reactive Organic Compound vapors are collected and properly disposed of such that they are not emitted to the Atmosphere.

B.5 A Person shall not use solvents for surface cleaning, clean-up or the cleaning of components, which have a ROC content of more than 200 grams per liter or has a composite vapor pressure greater than 45 mm Hg

at a temperature of 20 degrees C (68 degrees F) for surface preparation or cleanup of Aerospace Components. This prohibition does not apply to the stripping of Coating.

B.6 A Person shall not use or specify for use within the District, a Stripper which contains more than 200 grams per liter ROC content.

B.7 A Person shall not apply any Maskant to Aerospace Components unless:

B.7.a the Maskant contains less than 600 grams of ROC per liter of Coating, less water and Exempt Compounds, as applied.

B.8 A Person may comply with the provisions of Section B.1 and B.7 by using air pollution Control Equipment with a capture rate of at least 90 percent and Control Efficiency of at least 95 percent by weight. Prior approval must be received from the Air Pollution Control Officer.

B.9 A Person shall not apply Coatings in aerospace Coating operations subject to this Rule except by means of the following application methods:

B.9.a Electrostatic spray applications, or

B.9.b Flow coat application, or

B.9.c Dip coat application, or

B.9.d Hand Application Methods, or

B.9.e Airless spray application for use with Maskants and Temporary Protective Coatings only, or

B.9.f High-volume low-pressure (HVLP) spray application, or

B.9.g Other Coating application methods that are demonstrated to achieve a minimum of 65 percent Transfer Efficiency or have Transfer Efficiency at least equal to one of the above application methods, and which are used in such a manner that parameters under which they were tested are permanent features of the method. Such Coating application methods shall demonstrate transfer efficiency in accordance with South Coast Air Quality Management District method ASpray Equipment Transfer Efficiency Test Procedure for Equipment User,@ May 24, 1989.

B.10 Except for electrostatic spray guns, a Person shall not use materials containing ROC for the cleaning of spray guns in Coating operations unless the spray gun is cleaned in an Enclosed Gun Cleaner. The

enclosed spray gun cleaner must not be open to the ambient air when in use and must have a mechanism to force the cleanup material through the gun while the cleaner is in operation. Alternative gun cleaning systems may be used provided the emission loss from the system is demonstrated to be less than or equivalent to the emission loss from an Enclosed Gun Cleaner. The equivalency demonstration must be performed pursuant to the test method specified in Section D.6 of this Rule.

C. Record Keeping Requirements

C.1 Each facility shall maintain a comprehensive listing of Coatings, Maskants, Strippers, surface preparation and cleaning materials, and spray Equipment cleaning materials and solvents applied at the facility in the District approved format.

For each Coating listed in the comprehensive list, the facility shall provide a Coating specification sheet in the District approved format. The Coating specification sheet shall contain as a minimum:

C.1.a Coating name and manufacturer identification

C.1.b Specific mixing instructions

C.1.c ROC content as applied

C.1.d Weight percent water as applied

C.1.e Weight percent Exempt Compound as applied

C.1.f Solvent composition and density as applied

C.1.g Solids content, less water and Exempt Compound as applied

C.2 A Person who applies Coatings and/or solvents to Aerospace Components shall maintain a daily record of each Coating, Stripper, and solvent used. Maintain daily inventory (dispensing) records of solvents used or Equipment cleaning and surface cleaning operations. Maintain records of material additions to dip tank for dip Coating operations.

Records shall at all times be retained at the facility for a period of the previous five years and be made available for review by the District upon request. Copies of such records shall be supplied to a District representative upon request of the representative.

C.3 By the first day of April of each year, each facility shall submit a report to the District which states the total volume of each Coating and solvent

applied to Aerospace Components during the previous calendar year. A District approved reporting format shall be used.

C.3.a Daily usage records of Coatings, solvents, and paint Strippers. shall include, but not be limited to:

C.3.a.1 The amount and type of Coating used in each piece of Application Equipment.

C.3.a.2 The method of application.

C.3.a.3 The amount of ROC in each Coating, the volume of each Coating and the volume of thinners at time of application.

C.3.a.4 The amount of other solvent and exempt solvent used.

C.3.a.5 The ROC content of each solvent.

C.3.a.6 The solids content of each Coating.

C.4 As an alternative record keeping plan an aerospace operation may use purchase records and product inventories to document the type and quantities of Coatings used at a Source. The plan shall be submitted in writing to the District, and shall be adequate to demonstrate compliance with the applicable provisions of this Rule.

D. Test Methods

D.1 The ROC content of Coatings and solvent shall be determined using EPA Reference Method 24 or its constituent methods.

D.2 The solid content of pretreatment Coatings shall be determined using ASTM Method D2369-03.

D.3 The acid content of pretreatment Coatings shall be determined using ASTM Method D1639-90e1.

D.4 The composite vapor pressure of a blended solvent shall be determined by quantifying the amount of each organic compound in the blend using gas chromatographic analysis (ASTM 2306-00) and by calculating the composite vapor pressure of the solvent by summing the partial pressures of each component. For the purpose of this calculation, the blend shall be assumed to be an ideal solution where Raoult's Law applies.

D.5 The ROC emissions from enclosed systems used to clean Coating Application Equipment shall be determined using the South Coast Air Quality Management District General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems.

D.6 The transfer efficiency of alternative application methods shall be determined in accordance with the South Coast Air Quality Management District method ASpray Equipment Transfer Efficiency Test Procedure for Equipment User,@ May 24, 1989.

D.7 Control Efficiency of the emission Control Device shall be determined in accordance with EPA Method 25.

D.8 Capture Efficiency of the system shall be determined in accordance with U.S. EPA AGuidelines for Determining Capture Efficiency,@ dated January 9, 1995, and the methods found in 40 CFR 51, Appendix M, Method 204 through Method 204F.

D.9 Destruction Efficiency, measured and calculated as carbon, of the system shall be determined in accordance with U.S. EPA test methods found in Appendix A, Methods 18, 25 and 25A at 40 CFR 60.

RULE 427 AUTOMOTIVE REFINISHING OPERATIONS
(Adopted 9/14/99: Revised 02/23/2010)

A. General

A.1 Purpose

The purpose of this rule is to limit Volatile Organic Compound (VOC) emissions from coatings and solvents associated with the coating of motor vehicles, mobile equipment, and associated parts and components.

A.2 Applicability

A.2.a Except as provided in section A.2.b, this rule is applicable to any person who supplies, sells, offers for sale, manufactures, or distributes any automotive coating or associated solvent for use within the District, as well as any person who uses, applies, or solicits the use or application of any automotive coating or associated solvent within the District.

A.2.b This rule does not apply to:

A.2.b.1 Any Automotive coating or associated solvent that is offered for sale, sold, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.

A.2.b.2 Any aerosol coating product

A.2.b.3 Any automotive coating that is sold, supplied, or offered for sale in 0.5 fluid ounce or smaller containers intended to be used by the general public to repair tiny surface imperfections.

A.2.b.4 Any coating applied to motor vehicles or mobile equipment, or their associated parts and components, during manufacture on an assembly line.

B. Definitions

The terms used in this Rule are defined in Rule 101 - Definitions:

For the purpose of this Rule the following definitions shall apply:

B.1 VOC Content

B.1.a "VOC regulatory for Coatings" means VOC in grams per liter of coating, excluding water and exempt compounds, and shall be calculated by the following equation:

$$\text{VOC regulatory content} = \frac{W_v - W_W - W_{ec}}{V_m - V_w - V_{ec}}$$

B.1.b "VOC actual for Coatings" means VOC in grams per liter of material shall be calculated using the following equation:

$$\text{VOC actual content} = \frac{W_v - W_W - W_{ec}}{V_m}$$

B.1.c "VOC content for Solvents" means VOC in grams per liter of material shall be calculated using the following equation:

$$\text{VOC content} = \frac{W_v - W_W - W_{ec}}{V_m}$$

Where:

VOC content = amount of volatile organic compounds in grams/liter

W_v = weight of volatiles in grams
W_w = weight of water in grams
W_{ec} = weight of exempt compounds in grams
V_m = volume of material (coating or solvent, as applicable) in liters
V_w = volume of water in liters
V_{ec} = volume of exempt compounds in liters

C. Standards

C.1 Coating Limits

No person shall apply to any motor vehicle, mobile equipment, or associated parts and components, any coating with a VOC regulatory content, as calculated pursuant to subsection B.1.a, in excess of the following limits, except as provided in section C.3:

Coating Category	**VOC regulatory limit, as applied, in grams/liter (pounds per gallon*)**
	Effective April 1, 2010
Adhesion Promoter	540 (4.5)
Clear Coating	250 (2.1)

Coating Category	**VOC regulatory limit, as applied, in grams/liter (pounds per gallon*)**
	Effective April 1, 2010
Color Coating	420 (3.5)
Multi-Color Coating	680 (5.7)
Pretreatment Coating	660 (5.5)
Primer	250 (2.1)
Primer Sealer	250 (2.1)
Single-Stage Coating	340 (2.8)
Temporary Protective Coating	60 (0.5)
Truck Bed Liner Coating	310 (2.6)
Underbody Coating	430 (3.6)
Uniform Finish Coating	540 (4.5)
Any other coating type	250 (2.1)

*English units are provided for information only.

C.2 Most Restrictive VOC Limit

If anywhere on the container of any automotive coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a person, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in section C.1, then the lowest VOC content limit shall apply.

C.3 Alternative Compliance

Instead of complying with the VOC content limits specified in section C.1, a person may use an emission control system that has been approved, in writing, by the Executive Officer or Air Pollution Control Officer of the District and which achieves an overall control efficiency of at least 85 percent as determined pursuant to sections E.5 and E.6. Any approved system emission control must be maintained and used at all times in proper working condition.

C.4 Prohibition of Possession

No person shall possess at any automotive refinishing facility, any automotive coating that is not in compliance with section C.1 or C.3, as applicable. Effective April 1, 2010, no person shall possess at any automotive refinishing facility, any solvent with a VOC content greater than 25 grams per liter.

C.5 Prohibition of Sale or Manufacture

No person shall manufacture, blend, repackage for sale, supply, sell, offer for sale, or distribute within the District any coating with a VOC content in excess of the limits specified in section C.1.

Notwithstanding the provisions of this section, a person may manufacture, blend, repackage for sale, supply, sell, offer for sale, or distribute a coating with a VOC content in excess of the limits specified in section C.1 under the following circumstances and provided all of the requirements of section D.6 are also met:

C.5.a The coating is for use exclusively within an emission control system as allowed in section C.3, or

C.5.b The coating is for use outside the District.

C.6 Prohibition of Specification

No person shall solicit or require the use of, or specify the application or use of any coating or solvent on a motor vehicle or mobile equipment, or associated parts and components, if such use or application results in a violation of this rule. This prohibition shall apply to all written or oral contracts, including, but not limited to, job orders, under the terms of which any coating or solvent that is subject to the provisions of this rule is to be used or applied. This prohibition shall not apply to coatings that meet the criteria specified in section C.5.

C.7 Coating Application Methods

No person shall apply any coating to any motor vehicle, mobile equipment, or associated parts and components unless one of the following application methods is used:

C.7.a Brush, dip or roller.

C.7.b Electrostatic spray.

C.7.c High-Volume Low-Pressure (HVLP) spray equipment

C.7.d Use of a spray gun: If a spray gun is used, the end user must demonstrate that the gun meets the HVLP definition found in Rule 101 Definitions in design and use. A satisfactory demonstration must be based on the manufacturer's published technical material on the design of the gun and by a demonstration of the operation of the gun using an air pressure

tip gauge from the manufacturer of the gun.

C.7.e Any alternative method that achieves a transfer efficiency equivalent to, or higher than, the application methods listed in sections C.7.a, C.7.b, or C.7.c as determined per section E.9. Written approval from the Executive Officer or Air Pollution Control Officer shall be obtained for each alternative method prior to use.

Section C.7 does not apply to underbody coatings, graphic arts operations, truck bed liner coatings, or any coating use of less than one (1) fluid ounce (29.6 milliliters).

C.8 Solvent Limits and Evaporative Loss Minimization

C.8.a Effective April 1, 2010, each solvent present at any automotive refinishing facility shall not exceed a VOC content of 25 grams per liter as calculated pursuant to section B.1.c.

C.8.b Solvent-laden materials shall be stored in closed containers.

C.8.c All automotive coating components, automotive coatings, and solvents shall be stored in closed vapor-tight containers.

C.8.d No person shall clean spray equipment unless a closed system is used. However, equivalent control equipment can be used if the Executive Officer or Air Pollution Control Officer of the District approves it in writing prior to use.

C.8.e All waste automotive coating components, automotive coatings, and solvents shall be stored in closed vapor-tight containers, except while adding to or removing them from the containers.

D. Administrative Requirements

D.1 Compliance Statement Requirement

D.1.a For each individual automotive coating or automotive coating component, the manufacturer and repackager shall include the following information on product data sheets, or an equivalent medium:

D.1.a.1 The VOC actual for coatings and VOC regulatory for coatings, expressed in grams per liter;

D.1.a.2 The weight percentage of volatiles, water, and exempt

compounds;

D.1.a.3 The volume percentage of water and exempt compounds; and,

D.1.a.4 The density of the material (in grams per liter).

D.1.b For each individual ready to spray mixture (based on the manufacturer's and repackager's stated mix ration), the manufacturer and repackager shall include the following information on product data sheets, or an equivalent medium:

D.1.b.1 The VOC actual for coatings and VOC regulatory for coatings, expressed in grams per liter;

D.1.b.2 The weight percentage of volatiles, water, and exempt compounds;

D.1.b.3 The volume percentage of water and exempt compounds; and,

D.1.b.4 The density of the material (in grams per liter).

D.1.c The manufacturer and repackager of solvents subject to this rule shall include the VOC content as supplied, calculated pursuant to section B.1.c, expressed in grams per liter, on product data sheets, or an equivalent medium.

D.2 Labeling Requirements

D.2.a The manufacturer and repackager of automotive coatings or automotive coating components shall include on all containers the applicable use category(ies), and the VOC actual for coatings and VOC regulatory for coatings, as supplied, expressed in grams per liter.

D.2.b The manufacturer and repackager of solvents subject to this rule shall include on all containers the VOC content for solvents, as supplied, expressed in grams per liter.

D.3 Maintenance of Records.

Records required by this rule shall be retained for a minimum of three years and made available for inspection by District personnel upon request.

D.4 Record Keeping Requirements.

Any person who uses coatings or solvents subject to this rule shall maintain and have available at all times, on site, the following:

D.4.a A current list of all coatings and solvents used that are subject to this rule. This list shall include the following information for each coating and solvent:

D.4.a.1 Material name and manufacturer

D.4.a.2 Application method

D.4.a.3 Coating type (as listed in section C.1) and mix ratio specific to the coating

D.4.a.4 VOC actual for coatings and VOC regulatory for coatings, as applied, or VOC content for solvent.

D.4.a.5 Whether the material is a coating or solvent.

D.4.b Current manufacturer specification sheets, material safety data sheets, technical data sheets, or air quality data sheets, which list the VOC actual for coatings and VOC regulatory for coatings of each ready-to-spray coating (based on the manufacturer's stated mix ratio) and automotive coating components, and VOC content of each solvent.

D.4.c Purchase records identifying the coating type (as listed in section C.1), name, and volume of coatings and solvents.

D.5 Record Keeping Requirements for Emission Control Systems.

Any person using an emission control system shall maintain daily records of key system operating parameters which will demonstrate continuous operation and compliance of the emission control system during periods of VOC emission producing activities. "Key system operating parameters" are those parameters necessary to ensure or document compliance with section C.3, including, but not limited to, temperatures, pressure drops, and air flow rates.

D.6 Record Keeping Requirements for Prohibition of Sale.

Any person claiming an exception specified in section C.5 shall keep a detailed log of each automotive coating component and automotive coating manufactured, blended, repackaged for sale, supplied, sold,

offered for sale, or distributed showing:

D.6.a The quantity manufactured, blended, repackaged for sale, supplied, sold, offered for sale, or distributed, including size and number of containers;

D.6.b The VOC regulatory for coatings;

D.6.c The VOC actual for coatings;

D.6.d To whom they were supplied, sold, offered for sale, or distributed, or for whom they were manufactured, blended, or repackaged for sale including the name, address, phone number, retail tax license number, and valid district permit number; and,

D.6.e The specific exception being utilized under section C.5.

E. Test Methods

The following test methods are incorporated by reference herein, and shall be used to test coatings and solvents subject to the provisions of this rule. A source is in violation of this rule if any measurement by any of the listed applicable test methods exceeds the standards of this rule.

E.1 Methyl Acetate, Acetone, and PCBTF Content.

The quantity of methyl acetate, acetone, and parachlorobenzotrifluoride (as specified in section B.1 and the Exempt Compounds found in Rule 101 Definitions "Volatile Organic Compounds" and "Exempt Compounds" shall be determined by using ASTM Method D6133-02: "Standard Test Method for Acetone, *p*-Chlorobenzotrifluoride, Methyl Acetate or *t*-Butyl Acetate Content of Solventborne and Waterborne Paints, Coatings, Resins, and Raw Materials by Direct Injection Into a Gas Chromatograph" (February 2003).

E.2 Acid Content.

Measurement of acid content (as specified in the definition of "Pretreatment Coating" found in Rule 101 Definitions) shall be determined by using ASTM D1613-03 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products" (October 2003)

E.3 Alternative Test Methods.

The use of other test methods which are determined to be equivalent or better and approved, in writing, by the Executive Officer or Air Pollution Control Officer of the District, CARB, and U.S. EPA may be used in place of the test methods specified in this rule.

E.4 VOC Content of Coatings or Solvents.

VOC content (as specified in sections B.1, C.1, and C.8.a) shall be determined by U.S. EPA Method 24 as set forth in Appendix A of Title 40 of the Code of Federal Regulations (40 CFR) Part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings”.

E.5 Control Efficiency

When either U.S. EPA Method 25, 25A, or 25B is used to determine VOC emissions, control device equivalency (as specified in section C.3) shall be determined as specified in U.S. EPA’s “Guidelines for Determining Capture Efficiency,” (January 9, 1995) and 40 CFR 51, Appendix M, Methods 204-204f as applicable.

E.6 Determination of Alternative Compliance.

Alternative compliance (as specified in section C.3) shall be determined by U.S. EPA Method 25, 25A, or 25B, Title 40 Code of Federal Regulations, Part 60, Appendix A as applicable. A source is in violation if the measured VOC emissions, as measured by any of the test methods, exceed the standards specified in section C.3.

E.7 Metallic Content.

The metallic content of a coating (as specified in the definition for “Metallic/Iridescent Color Coating” found in Rule 101 Definitions shall be determined by South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-ray” (July 1996).

E.8 Exempt Compound Content.

Exempt compound content, other than as determined pursuant to section E.1, (as specified in the definition for “Volatile Organic Compounds” found in Rule 101 Definitions for exempt compounds and section B.1) shall be determined by using CARB Method 432, “Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings” (September 12, 1998); CARB Method 422, “Determination of Volatile Organic Compounds in Emissions from Stationary Sources” (January 22,

1987); or South Coast Air Quality Management District (SCAQMD) Method 303-91, “Determination of Exempt Compounds” (February 1993).

E.9 Transfer Efficiency.

Spray equipment transfer efficiency (as specified in the definition for “Transfer Efficiency” found in Rule 101 Definitions and C.7.e) shall be determined by using South Coast Air Quality Management District “Spray Equipment Transfer Efficiency Test Procedures for Equipment User” (May 24, 1989).

E.10 HVLP Equivalency.

Spray equipment HVLP equivalency (as specified in section C.7.d) shall be determined by using South Coast Air Quality Management District “Guidelines for Demonstrating Equivalency with District Approved Transfer Efficient Spray Guns” (September 26, 2002).

F. Construction of Headings

Section and subsection headings do not in any manner affect the scope, meaning, or intent of the provisions of this Rule.

G. Severability

Each part of this Rule shall be deemed severable, and in the event that any part of this Rule is held to be invalid, the remainder of the Rule shall continue in full force and effect.

RULE 800 GENERAL REQUIREMENTS FOR CONTROL OF FINE PARTICULATE MATTER (PM-10)

(Adopted 10/10/94; Revised 11/25/96; Revised 11/08/2005; Revised 10/16/2012)

A. General Description

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from anthropogenic (man-made) Fugitive Dust (PM-10) sources generated from within Imperial County by requiring actions to prevent, reduce, or mitigate PM-10 emissions. The Rules contained within this Regulation have been developed pursuant to United States Environmental Protection Agency guidance for Serious PM10 Non Attainment Areas.

B. Applicability

The requirements of this rule shall apply to any Active Operation, and/or man-made or man-caused condition or practice capable of generating Fugitive Dust (PM-10) as specified in this Regulation except those determined exempt as defined in Part E of this Rule. The definitions, exemptions, requirements, administrative requirements recordkeeping requirements, and test methods set forth in this rule are applicable to all the rules under Regulation VIII (Fugitive Dust Requirements) of the Rules and Regulations of the Imperial County Air Pollution Control District.

C. Definitions

For the purpose of this Regulation, the following terms are defined:

C.1 ACTIVE OPERATION: Activities capable of generating Fugitive Dust (PM-10), including but not limited to, Earthmoving Activities, Construction activities, Unpaved Roads, Track-Out/Carry-Out, Bulk Material storage and transport, Unpaved Haul/Access Roads.

C.2 AGGREGATE MATERIALS: Consists of sand, Gravel, quarried stone and/or rock fragments that are typically used in Construction. Aggregates may be natural, artificial or recycled.

C.3 ANEMOMETRS: Are devices used to measure wind speed and direction in accordance with manufacturer’s performance standards, maintenance and calibration criteria.

C.4 ANNUAL AVERAGE DAILY VEHICLE TRIPS: annual average 24-hour total of all vehicles counted on a road.

C.5 APCD: The Imperial County Air Pollution Control District.

C.6 APCO: The Imperial County Air Pollution Control Officer.

C.7 AVERAGE VEHICLE TRIPS PER DAY: Means the average number of vehicles that cross a given point surface during a specific 24-hour period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.

C.8 BLM: The Bureau of Land Management.

C.9 BP: The United States Border Patrol.

C.10 BULK MATERIAL: Earth, rock, Silt, sediment, sand, Gravel, soil, fill, Aggregate, dirt, mud, debris, and other organic and/or inorganic material consisting of or containing Particulate Matter with five percent or greater Silt content. For the purpose of this Regulation, the Silt content level is assumed to be 5 percent or greater, unless the Person responsible for the Active Operation conducts the applicable laboratory tests and demonstrate that the Silt content is less than 5 percent. Active Operations seeking to determine if the Silt content is less than five percent are required to conduct the laboratory analysis in accordance with ASTM method C-136-a (Standard Test Method for Sieve analysis of Fine and Coarse Aggregates), or other equivalent test methods approved by EPA, ARB, and the APCD.

C.11 CANAL BANK: A rise of land on either side of an irrigation canal.

C.12 CHEMICAL STABILIZATION/SUPPRESSION: A means of Fugitive Dust (PM-10) control implemented to mitigate PM-10 emissions by applying petroleum resins, asphaltic emulsions, acrylics, adhesives, or any other materials approved for use by the California Air Resources Board (CARB), U.S. Environmental Protection Agency (U.S. EPA) and/or the APCO.

C.13 CONSTRUCTION: Any on-site mechanical activities preparatory to or related to the building, alteration, rehabilitation, or demolition of an improvement on real property, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of any structure. As used in Regulation VIII, a construction site may encompass several contiguous parcels, or may encompass only a portion of one parcel, depending on the relationship of the property boundaries to the actual construction activities.

C.14 DESIGNATED REPRESENTATIVE: The agent for a Person. The Designated Representative shall be responsible for and have the full authority to implement BACM on behalf of the Person.

C.15 DISTURBED SURFACE AREA: An area in which naturally occurring soils, or soils or other materials placed thereon, have been physically moved, uncovered, destabilized, or otherwise modified by grading, land leveling, scraping, cut and fill activities, excavation, bush and timber clearing, or grubbing, and soils on which vehicle traffic and/or equipment operation has occurred. An area is considered to be disturbed until the activity that caused the disturbance has been completed, and the disturbed area meets the stabilized surface conditions specified in this rule, or the area has been paved or otherwise covered by a permanent structure.

C.16 DPR: The California Department of Parks and Recreation.

C.17 EARTHMOVING ACTIVITIES: The use of any equipment for an activity that may generate Fugitive Dust emissions, including, but not limited to, cutting and filling, grading, leveling, excavation, trenching, loading or unloading of Bulk Materials, demolishing, drilling, adding to or removing bulk materials from open storage piles, weed abatement through disking, and back filling.

C.18 FUGITIVE DUST: The Particulate Matter entrained in the ambient air which is caused from man-made and natural activities such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. This excludes Particulate Matter emitted directly in the exhaust of motor vehicles or other fuel combustion devices, from portable brazing, soldering, or welding equipment, pile drivers, and stack emissions from stationary sources.

C.19 GRAVEL: Gravel travelways shall have a three (3) inch minimum depth Stabilized Surface. The travelway shall have a relative compaction of not less than 95% as determined by Test Method No. California 216 of State of California, Business and Transportation Agency Department of Transportation, and conforming to the following grading:

Sieve Designation	¾" Maximum Percent Passing
1"	100
¾"	90-100
#4	35-60
#30	10-30
#200	2-9

Reference: California Department of Transportation Standard Specification Section 26/class II Aggregate Base

C.20 HAUL/ACCESS ROAD: Any on-site road used for commercial, industrial, institutional, and/or governmental traffic.

C.21 HAUL TRUCK: Any fully or partially open-bodied licensed motor vehicle used for transporting Bulk Material for industrial or commercial purposes.

C.22 IMPLEMENT OF HUSBANDRY: An unlicensed vehicle which is used exclusively in the conduct of Agricultural Operations. An Implement of Husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of the Vehicle Code of California.

C.23 NON-RESIDENTIAL AREA: Any unpaved vehicle and equipment traffic area operated at any commercial, manufacturing or government sites.

C.24 MODIFIED PAVED ROAD: Any Paved Road that is widened or improved so as to increase traffic capacity. This term does not include road maintenance, repair, chip seal, pavement or roadbed rehabilitation that does not affect roadway geometrics, or surface overlay work.

C.25 OFF-FIELD AGRICULTURAL SOURCE: Any Agricultural Source or activity at an Agricultural Source that falls into one or more of the following categories:

C.25.a Outdoor handling, storage and transport of Bulk Material;

C.25.b Paved Road;

C.25.c Unpaved Road; or

C.25.d Unpaved Traffic Area.

C.26 OFF-ROAD EVENT AND/OR COMPETITIONS: Means any of the following: any organized, sanctioned, or structured use, event or activity on public land in which two hundred and fifty (250) or more contestants compete and either or both of the following elements apply: (i) Participants register, enter, or complete an application for the event; (ii) A predetermined course or area is designated.

C.27 OFF- HIGHWAY VEHICLE(OHV): An off-highway vehicle is a motorized vehicle when operating off a highway, including a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind. "Highway" means the entire width between the

boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel, excluding unpaved trails and paths specifically intended for recreational use.

C.28 ON-FIELD AGRICULTURAL SOURCE: Any Agricultural Source or activity at an Agricultural Source that is not an Off-Field Agricultural Source, including (but not limited to) the following:

C.28.a Activities conducted solely for the purpose of preparing land for the growing of crops or the raising of fowl or animals, such as brush or timber clearing, grubbing, scraping, ground excavation, land leveling, grading, turning under stalks, disking, or tilling;

C.28.b Drying or pre-cleaning of agricultural crop material on the field where it was harvested;

C.28.c Handling or storage of agricultural crop material that is baled, cubed, pelletized, or long-stemmed, on the field where it was harvested, and the handling of fowl or animal feed materials at sites where animals or fowl are raised;

C.28.d Disturbances of cultivated land as a result of fallowing, planting, fertilizing or harvesting.

C.29 OPEN AREA: Any of the following described in Subsection C.29.a through C.29.c of this rule. For the purpose of this rule, vacant portions of residential or commercial lots and contiguous parcels that are immediately adjacent to and owned and/or operated by the same individual or entity are considered one open area. An open area does not include any Unpaved Traffic Area as defined in this rule.

C.29.a An un-subdivided or undeveloped land whether or not it is adjoining a developed (or partially developed) residential, industrial, institutional, governmental, or commercial area.

C.29.b A subdivided residential, industrial, institutional, governmental, or commercial lot, which contains no approved or permitted building or structures of a temporary or permanent nature.

C.29.c A partially developed residential, industrial, institutional, governmental, or commercial lot and contiguous lots under common ownership.

C.30 PARTICULATE MATTER: Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at 60 degrees F and one

atmosphere pressure.

C.31 PAVED ROADS: An improved street, highway, alley, public way, that is covered by concrete, asphaltic concrete, or asphalt.

C.32 PERSON: Any individual, public or private corporation, partnership, association, firm, trust, estate, municipality, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, who is responsible for an Active Operation.

C.33 PM-10: Particulate Matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by the applicable State and Federal reference test methods.

C.34 RECREATIONAL OFF-HIGHWAY VEHICLE (OHV) USE AREA: The entire area of a parcel of land, except for camping and approved buffer areas, that is managed for off-highway vehicle use through the development or designation of off-highway vehicle trails or areas.

C.35 RURAL: Areas not classified as urban constitute “rural.”

C.36 SILT: Any Aggregate Material with a particle size less than 75 micrometers in diameter as measured by a No. 200 sieve as defined in ASTM D-2487 and as tested by ASTM-C-136 or other equivalent test methods approved by EPA, ARB, and the APCD.

C.37 STABILIZED SURFACE: Any disturbed surface area or open bulk storage pile that is resistant to wind blown Fugitive Dust emissions. A surface is considered to be stabilized if it meets at least one of the following conditions specified in this Section and as determined by the test methods specified in Appendix B, Section A, B and D-G tests of this rule:

C.37.a A visible crust; or

C.37.b A threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 centimeters per second or greater; or

C.37.c A flat vegetative cover of at least 50 percent that is attached or rooted vegetation; or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind; or

C.37.d A standing vegetative cover of at least 30 percent that is attached or rooted vegetation with a predominant vertical orientation; or

C.37.e A standing vegetative cover that is attached or rooted vegetative with a predominant vertical orientation that is at least 10 percent and where the TFV is at least 43 centimeters per second when corrected for non-erodible elements; or

C.37.f A surface that is greater than or equal to 10 percent of non-erodible elements such as rocks, stones, or hard-packed clumps of soil.

C.38 STABILIZED UNPAVED ROAD: Any Unpaved Road or unpaved vehicle/equipment traffic area surface which meets the definition of Stabilized Surface as determined by the test method in Appendix B, Section C of this rule, and where VDE is limited to 20% opacity.

C.39 TACTICAL TRAINING: Training conducted by the U.S. Department of Defense, the U.S. military services, or its allies for combat, combat support, combat service support, tactical or relief operations. Examples include but are not limited to munitions training.

C.40 TEMPORARY UNPAVED ROAD: Any Unpaved Road surface which is created to support a temporary or periodic activity and the use of such road surface is limited to vehicle access for a period of not more than six months during any consecutive three-year period.

C.41 THRESHOLD FRICTION VELOCITY (TFV): The corrected velocity necessary to initiate soil erosion as determined by the test method specified in Appendix B, Section D, of this rule. The lower TFV, the greater the propensity for fine particles to be lifted at relatively low wind speeds.

C.42 TRACK-OUT/CARRY-OUT: Any and all Bulk Materials that adhere to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto the pavement.

C.43 TRACK-OUT PREVENTION DEVICE: A Gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a Paved Road that prevents or controls Track-Out.

C.44 UNPAVED ROADS: Streets, alley ways, or roadways that are not covered by one of the following: concrete, asphaltic concrete, asphalt, or other similar materials specified by the U.S.EPA, CARB and/or the APCO.

C.45 UNPAVED TRAFFIC AREA: Any nonresidential area that is:

C.45.a Not covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or concrete pavement, and

C.45.b Used for fueling and servicing; shipping, receiving and transfer; or parking or storing equipment, haul trucks, vehicles, and any conveyances.

C.46 URBAN AREA: An area within an incorporated city boundary or within unincorporated areas completely surrounded by an incorporated city.

C.47 VDE: Visible dust emissions. Dust emissions that are visible to an observer.

C.48 VMT: Vehicle miles traveled.

C.49 WIND GUST: Is the maximum instantaneous wind speed as measured by an anemometer.

D. Compliance Schedule

D.1 Existing sources subject to this Regulation shall comply with its requirements no later than 90 days after its adoption date.

D.2 New sources subject to this Regulation shall comply with its requirements prior to initiation of activity.

D.3 BP and any person (including BLM and DPR) who owns or operates a Recreational OHV Use Area on public lands shall each comply with the following compliance schedule:

D.3.a Submit a draft dust control plan addressing all applicable portions of this Regulation including section F.5 and F.7 within three (3) months of the adoption date of this rule, to which the APCO shall respond within 60 days;

D.3.b Submit a final dust control plan addressing all APCO comments within two (2) months after receiving APCO's comments, which the APCO shall transmit to CARB and U.S. EPA for 45-day review and comment;

D.3.c If comments received from CARB or EPA, submit to them and APCO a revised final dust control plan addressing all comments within two (2) months after receiving comments.

D.3.d Implement all final dust control plan elements within six (6) months of submittal; and

D.3.e Submit an updated dust control plan every two calendar years

by the procedures described in D.3.a to D.3.d. The updated plans shall be transmitted to the District no later than 90 days after the end of the calendar year and, in addition to information required of the initial plan, shall include a summary of actions taken to prevent or mitigate PM10 emissions during the previous two years.

E. Exemptions

The following activities are exempt from provisions of this Regulation:

E.1 Actions required by the Federal or State Endangered Species Act or any order issued by a court or governmental agency.

E.2 Off-Field Agricultural Sources necessary to minimize or respond to adverse effects on agricultural crops caused during freezing temperatures as declared by the National Weather Service.

E.3 Emergency maintenance of flood control channels and water spreading basins.

E.4 Any emergency operation activities performed to ensure public health and safety. Emergency activities lasting more than 30 days shall be subject to this Regulation, except where compliance would limit the effectiveness of the emergency activity performed to ensure public health and safety.

E.5 Blasting operations permitted by the California Division of Industrial Safety. Other activities performed in conjunction with blasting are not exempt from complying with the provisions of this rule.

E.6 The following military training activities conducted by the Department of Defense: (1) military Tactical Training, (2) maintenance, repair, and removal of targets and munitions associated with military Tactical Training, (3) open areas on active military ranges, including but not limited to designated impact areas, landing zones, and bivouac areas. However, unpaved roads, staging areas, parking lots, and other activities performed in conjunction with military Tactical Training are not exempt from complying with the provisions of this Regulation, as applicable.

F. General Requirements

F.1 Materials used for Chemical Stabilization of soils, including petroleum resins, asphaltic emulsions, acrylics, and adhesives shall not violate State Water Quality Control Board standards for use as a soil stabilizer. Materials accepted by the California Air Resources Board (ARB) and the

United States Environmental Protection Agency (EPA), and which meet State water quality standards, shall be considered acceptable to the ICAPCD.

F.2 Any material prohibited for use as dust Suppressant by EPA, the ARB, or other applicable law, rule, or regulation is also prohibited under Regulation VIII.

F.3 Use of hygroscopic materials may be prohibited by the APCD in areas lacking sufficient atmospheric moisture of soil for such materials to effectively reduce Fugitive Dust emissions. The atmospheric moisture of soil is considered to be sufficient if it meets the application specifications of the hygroscopic product manufacturer. Use of such materials may be approved in conjunction with sufficient wetting of the controlled area.

F.4 Any use of dust Suppressants or gravel pads, and paving materials such as asphalt or concrete for paving, shall comply with other applicable District Rules.

F.5 Recreational OHV Use Area on Public lands Dust Control Plan Requirements

The BLM, DPR, or any other owner or operator of a Recreational OHV Use Area on public lands shall prepare a dust control plan to minimize PM-10 emissions. The dust control plan shall include at a minimum the following:

F.5.a A stipulation that all new authorizations for point and area stationary emission sources obtain all necessary permits and satisfy all applicable SIP provisions, including Regulation VIII specific control measures;

F.5.b A summary of:

F.5.b.1 The total miles of roads in the Recreational OHV Use Area on public lands that are paved, paved with unpaved shoulders, and unpaved roads with 50 or more average vehicle trips per day, including length and level of usage of each such road; the priority for control of road segments based on annual and episodic (e.g. event) usage; the plans for control of PM-10 emissions from these roads;

F.5.b.2 The location and extent (acreage and where feasible, estimate of number of vehicles) of open areas disturbed by legal and illegal Recreational Use,

including maps such as those required by California Public Resources Code (PRC) section 5090.34; the priority for control of these open areas based on annual and episodic (e.g. event) usage; the plans for control of PM-10 emissions from these areas;

F.5.c Unpaved Roads and Unpaved Vehicle/Equipment Traffic Area. The dust control plan shall be implemented on all days that traffic exceeds, or is expected to exceed, the number of average daily vehicle trips per day as specified in sections F.5.c.1 and F.5.c.2 of this rule, except where measures are demonstrated by owner/operator to be prohibited by federal or state laws, regulations, or approved plans concerning wilderness preservation and species management and recovery.

F.5.c.1 On each day of an Off-Road Event and/or Competition that 50 average vehicle daily trips per day will occur on an unpaved road segment, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures:

F.5.c.1.1 Watering;
F.5.c.1.2 Uniform layer of washed gravel;
F.5.c.1.3 Paving;
F.5.c.1.4 Restrict access;
F.5.c.1.5 Restrict speed limit at or below 15 mph;
F.5.c.1.6 Chemical/organic dust suppressants;
F.5.c.1.7 Roadmix;
F.5.c.1.8 Any other method(s) that can be demonstrated that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

F.5.c.2 On each day of an Off-Road Event and/or Competition that 50 average vehicle daily trips per day will occur on an unpaved surface area dedicated to any vehicle parking and Unpaved Traffic Area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures:

F.5.c.2.1 Watering;
F.5.c.2.2 Uniform layer of washed gravel;

F.5.c.2.3 Paving;
F.5.c.2.4 Restricted access below the limit;
F.5.c.2.5 Restrict speed limit at or below 15 mph;
F.5.c.2.6 Chemical/organic dust suppressants;
F.5.c.2.7 Roadmix;
F.5.c.2.8 Any other method(s) that can be demonstrated that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

F.5.d The dust control plan must describe all PM-10 control measures that will be implemented, such as restricted use areas, stabilization of Unpaved Traffic Areas and current Recreation Area Management Plan (RAMP) measures, all applicable soil and habitat conservation requirements, and all monitoring and corrective actions taken to reduce PM10 emissions during Off-Road Events and/or Competitions on public land and include all those measures that are feasible and not prohibited by the laws, regulations and plans described in F.5.c;

F.5.e Use BLM-standard road design and drainage specifications when maintaining existing roads or authorizing road maintenance and new road construction;

F.5.f Include public educational information on reducing PM-10 emissions with agency (e.g., BLM and DPR) open area literature (e.g. identification of restricted areas and/or applicable speed limits) and on related information signs in heavily used areas; and

F.5.g The owner or operator of a recreational OHV use area on public lands shall not permit Off-Road Events and/or Competitions from June 15th to August 15th, unless a specific dust control plan is submitted to and approved by the ICAPCD. The dust control plan shall include specific fugitive dust control measures and demonstrate that all control measures, including the requirements of this rule, can be implemented and enforced.

F.6 Border Patrol (BP) Requirements

The BP shall prepare a dust control plan designed to minimize PM10 emissions from sources under the control of the BP. The dust control plan shall include the following fugitive dust control measures:

F.6.a A stipulation that all new authorizations for point and area stationary emission sources obtain all necessary permits and

satisfy all applicable SIP provisions, including Regulation VIII specific control measures;

F.6.b Implement alternatives to tire-dragging that result in fewer PM10 emissions, unless BP demonstrates such alternatives to be inconsistent with the monitoring of immigration across the U.S.-Mexico border;

F.7 New Recreational OHV Use Area(s) on Public Land Requirements

Before a public agency (including BLM and DPR) designates a property as "New Recreational OHV Use Area" (hereafter referred to as "New Recreational OHV Use Area") for OHV recreation, the agency shall meet and confer with ICAPCD. A "New Recreational OHV Use Area" shall include areas physically undisturbed by OHV usage as of January 1, 2013. After development and approval of an agency's first Dust Control Plan under Section D.3 of this rule, "New Recreational OHV Use Area also includes areas not described in the previous public agency's dust control plan."

F.7.a ICAPCD shall review the public agency's draft General Plan, Specific Plan, or RAMP and/or related documents for consistency and compliance with the rules and requirements applicable to and/or implementing Imperial County's plan for attainment and/or maintenance of the 24-hour federal PM-10 standard. During the applicable public comment period, ICAPCD may provide comments on the applicable plan to the public agency related to consistency and compliance with such rules and requirements, and where applicable, describe additional measures necessary for consistency and compliance with such rules and requirements.

F.7.b For any New Recreational OHV Use Area(s) with PM-10 emissions of 70 tons per year or above, the public agency must demonstrate in a federal- and/or state-required environmental assessment that these emissions would not:

F.7.b.1 Cause or contribute to any new violations of any PM-10 NAAQS in the area.

F.7.b.2 Interfere with provisions in the applicable PM-10 SIP for maintenance of the PM-10 NAAQS.

F.7.b.3 Increase the frequency or severity of any existing violation of PM-10 NAAQS; or

F.7.b.4 Delay timely attainment of the PM-10 NAAQS or any required interim emission reductions or other milestones in any area including, where applicable, emission levels specified in the applicable SIP for purposes of: (i) a demonstration of reasonable further progress; (ii) a demonstration of attainment; or (iii) a maintenance plan.

F.7.c The public agency shall not approve the applicable General Plan, Specific Plan, or RAMP unless and until it has incorporated ICAPCD's comments and recommended mitigation measures or explained why a comment or recommended mitigation measure does not apply or is infeasible. If the public agency does not accept a mitigation measure or comment, the public agency shall consult with ICAPCD to identify an alternative measure or way to address ICAPCD's concern. In any event, all New Recreational OHV Use Areas shall comply with Section F.5 above.

G. Administrative Requirements

G.1 Test Methods

G.1.a Determination of VDE Opacity

Opacity observations to determine compliance with VDE standards shall be conducted in accordance with the test procedures for "Visual Determination of Opacity" as described in Appendix A of this rule. Opacity observations for sources other than unpaved traffic areas (e.g., roads, parking areas) shall be conducted per Section B of Appendix A and shall require 12 readings at 15-second intervals.

G.1.b Determination of Stabilized Surface

Observations to determine compliance with the conditions specified for a stabilized surface, in any inactive disturbed surface area, whether at a work site that is under construction, at a work site that is temporarily or permanently inactive, or on an open area and vacant lot, shall be conducted in accordance with the test methods described in Appendix B of this rule. If a disturbed surface area passes any of the applicable Appendix B-Section A, B and D-G tests, then the surface shall be considered stabilized.

G.1.c Determination of Soil Moisture Content

Soil moisture content shall be determined by using ASTM Method D2216-98 (Standard Test Method for Laboratory Determination of Water [Moisture] Content of Soil and Rock by Mass), or other equivalent test methods approved by the EPA, ARB, and the APCO.

G.1.d Determination of Silt Content for Bulk Materials

Silt content of a Bulk Material shall be determined by ASTM Method C136a (Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates), or other equivalent test methods approved by EPA, ARB, and the APCD.

G.1.e Determination of Silt Content for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas

Silt Content for Unpaved Roads and Unpaved Traffic Areas shall be determined by using Section C of Appendix B of this Rule or other equivalent test methods approved by EPA, ARB, and the APCO.

G.1.f Determination of Threshold Friction Velocity (TFV)

TFV shall be determined by using Section D of Appendix B of this Rule or other equivalent test methods approved by EPA, ARB, and the APCO.

H. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application and compliance with this rule (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

I. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII. Failure to comply with the provisions of an APCO approved dust control plan shall also constitute a violation of this Regulation. Regardless of whether an APCO approved dust control plan is being implemented or not, or

whether a Person responsible for an Active Operation(s) is complying with an approved dust control plan, the Person is still subject to the requirements of Regulation VIII at all times.

APPENDIX A
Visual Determination of Opacity

SECTION A Test Method For Unpaved Roads and Unpaved Traffic Areas
SECTION B Test Method For Time-Averaged Regulations

SECTION A TEST METHOD FOR UNPAVED ROADS AND UNPAVED TRAFFIC AREAS

A Opacity Test Method. The purpose of this test method is to estimate the percent opacity of Fugitive Dust plumes caused by vehicle movement on Unpaved Roads and Unpaved Traffic Areas. This method can only be conducted by an individual who has current certification as a qualified observer.

A.1 Step 1: Stand at least 16.5 feet from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.

A.2 Step 2: Record the Fugitive Dust source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the Fugitive Dust source, and color of the plume and type of background on the visible emission observation form both when opacity readings are initiated and completed.

A.3 Step 3: Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make opacity observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.

A.4 Step 4: Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded

represents the average opacity of emissions for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of the vehicles which generate dust plumes for which readings are taken (e.g. mid-size passenger car or heavy-duty truck.) and take the approximate speeds the vehicles are traveling when the readings are being taken.

A.5 Step 5: Repeat Step 3 (Section A.3. of this appendix) and Step 4 (Section A.4. of this appendix) until you have recorded a total of 12 consecutive opacity readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.

A.6 Step 6: Average the 12 opacity readings together. If the average opacity reading equals 20% or lower, the source is in compliance with the opacity standard described in the applicable rule.

SECTION B TEST METHOD FOR VISUAL DETERMINATION OF OPACITY OF EMISSIONS FROM SOURCES FOR TIME-AVERAGED REGULATIONS

B Applicability. This method is applicable for the determination of the opacity of emissions from sources of visible emissions for time-averaged regulations. A time-averaged regulation is any regulation that requires averaging visible emission data to determine the opacity of visible emissions over a specific time period.

B.1 Principle. The opacity of emissions from sources of visible emissions is determined visually by a qualified observer who has received certification.

B.2 Procedures. A qualified observer who has been certified shall use the following procedures for visually determining the opacity of emissions.

B.2.a Position. Stand at a position at least 5 meters from the Fugitive Dust source n order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the Fugitive Dust plume generated by mobile earthmoving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, if multiple plumes are involved, do not include more than one plume in the line of sight at one time.

B.2.b Field Records. Record the name of the site, Fugitive Dust source type (i.e., pile, material handling (i.e., transfer, loading, sorting)), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds,) observer's position relative to the fugitive dust source, and color of the plume and type of the background on the visible emission observation form when opacity readings are initiated and completed.

B.2.c Observations. Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. For storage piles, make opacity observations approximately 1 meter above the surface from which the plume is generated. For extraction operations and the loading of haul trucks in open-pit mines, make opacity observations approximately one meter above the rim of the pit. The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For Fugitive Dust from Earthmoving equipment, make opacity observations approximately 1 meter above the mechanical equipment generating the plume.

B.2.d Recording Observations. Record the opacity observations to the nearest 5% every 15 seconds on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 15-second period. If a multiple plume exists at the time of an observation, do not record an opacity reading. Mark an "x" for that reading. If the equipment generating the plume travels outside of the field of observation, resulting in the inability to maintain the orientation of the sun within the 140° sector or if the equipment ceases operating, mark an "x" for the 15 – second interval reading. Readings identified as "x" shall be considered interrupted readings.

B.2.e Data Reduction For Time-Averaged Regulations. For each set of 12 or 24 consecutive readings, calculate the appropriate average opacity. Sets must consist of consecutive observations, however, readings immediately preceding and following interrupted readings shall be deemed consecutive and in no case shall two sets overlap, resulting in multiple violations.

APPENDIX B
Determination of Stabilization

SECTION A TEST METHODS FOR DETERMINING STABILIZATION

The test methods described in Section B through Section G of this appendix shall be used to determine whether an area has a Stabilized Surface. Should a disturbed area contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Section B through Section G of this appendix, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results.

SECTION B VISIBLE CRUST DETERMINATION

B.1 Where a visible crust exists, drop a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16-17 grams from a distance of 30 centimeters (one foot) directly above (at a 90° angle perpendicular to) the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the visible crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50% of a site which have not originated from the representative site surface being tested. If material covers a visible crust, which is not blowsand, apply the test method in Section D of this appendix to the loose material to determine whether the surface is stabilized.

B.2 A sufficient crust is defined under the following conditions: once a ball has been dropped according to section B.1 of this appendix, the ball does not sink into the surface, so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface upon which it fell has not been pulverized, so that loose grains are visible.

B.3 Drop the ball three times within a survey area that measures 1 foot by 1 foot and that represents a random portion of the overall disturbed conditions of the site. The survey area shall be considered to have passed the Visible Crust Determination Test if the results of at least two out of the three times that the ball

was dropped, met the criteria in section B.2 of this appendix. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site, and repeat this procedure. If the results meet the criteria of section B.2 of this appendix for all of the survey areas tested, then the site shall be considered to have passed the Visible Crust Determination Test and shall be considered sufficiently crusted.

B.4 At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the visible crust test as often as necessary on each random portion of the overall conditions of the site for an accurate assessment.

SECTION C DETERMINATION OF SILT CONTENT FOR UNPAVED ROADS AND UNPAVED VEHICLE/EQUIPMENT TRAFFIC AREAS

The purpose of this test method is to estimate the silt content of the trafficked parts of Unpaved Roads and Unpaved vehicle/equipment Traffic Areas. The higher the Silt content, the more fine dust particles that are released when vehicles travel on Unpaved Roads and Unpaved vehicle/equipment Traffic Areas.

C.1 Equipment:

C.1.a A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1mm, 0.5mm and 0.25 mm, a lid, and collector pan.
C.1.b A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width (the broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
C.1.c A spatula without holes.
C.1.d A small scale with half-ounce increments (e.g., postal/package scale.)
C.1.e A shallow, lightweight container (e.g., plastic storage container.)
C.1.f A sturdy cardboard box or other rigid object with a level surface.
C.1.g A basic calculator.
C.1.h Cloth gloves (optional for handling metal sieves on hot, sunny days.)
C.1.i Sealable plastic bags (if sending samples to a laboratory.)
C.1.j A pencil/pen and paper.

C.2 Step 1: Look for a routinely traveled surface, as evidenced by tire tracks. Only collect samples from surfaces that are not damp due to precipitation or dew. This statement is not meant to be a standard in itself for dampness where watering is being used as a control measure. It is only intended to ensure that surface testing is done in a representative manner. Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/Gravel to an approximate depth of 3/8

inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is <3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to a 1cm depth, a wooden dowel or other similar narrow object at least one-foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. (Optional: At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.)

C.3 Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.

C.4 Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4mm) at the top. Place a collector pan underneath the bottom (0.25mm) sieve.

C.5 Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush. On windy days, use the trunk or door of a vehicle as a wind barrier. Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up and down and sideways for at least 1 minute.

C.6 Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass (e.g., material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size.) If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. You only need to reassemble the sieve(s) that contain material, which require further sifting.

C.7 Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care not to minimize escape of dust particles. You do not need to do anything with material captured in the sieves – only the collector pan. Weigh the container with the materials from the collector pan and record its weight.

C.8 Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an Unpaved vehicle/equipment Traffic Area, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide the total weight of the sample you recorded earlier in Step 2 (Section C.4) and

multiply by 100 to estimate the percent Silt content.

C.9 Step 8: Select another two routinely traveled portions of the Unpaved Road or Unpaved vehicle/equipment Traffic Area and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.

C.10 Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft^2, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft^2, then proceed to examine the average percent Silt content. If the source is an Unpaved Road and the average percent Silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent Silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% Silt content on an Unpaved Road) it is recommended that you collect 3 additional samples from the source according to Step 1 (section C.2) and take them to an independent laboratory for Silt content analysis.

C.11 Independent Laboratory Analysis: You may choose to collect samples from the source, according to Step 1 (section C.2) and send them to an independent laboratory for Silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is: “Procedures For Laboratory Analysis for Surface/Bulk Dust Loading Samples,” (Fifth Edition, Volume 1, Appendix C.2.3 “Silt Analysis,” 1995,) AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

SECTION D DETERMINATION OF THRESHOLD FRICTION VELOCITY (TFV)

For disturbed surface areas that are not crusted or vegetated, determine threshold friction velocity (TFV) according to the following sieving field procedure (based on a 1952 laboratory procedure published by W.S. Chepil).

D.1 Obtain and stack a set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm, and 0.25 mm or obtain and stack a set of standard/commonly available sieves. Place the sieves in order according to size openings, beginning with the largest size opening at the top. Place a collector pan underneath the bottom (0.25 mm) sieve. Collect a sample of loose surface material from an area at least 30 cm by 30 cm in size to a depth of approximately 1 cm using a brush and dustpan or other similar device. Only collect soil samples from dry surfaces (i.e. when the surface is not damp to the touch). Remove any rocks larger than 1 cm in diameter from the sample. Pour the sample into the top sieve (4 mm opening) and cover the sieve/collector pan unit with a lid. Minimize escape of particles into the air when transferring surface soil into the sieve/collector pan unit. Move the covered sieve/collector pan unit by hand using a broad, circular arm motion in the horizontal plane. Complete twenty

circular arm movements, ten clockwise and ten counterclockwise, at a speed just necessary to achieve some relative horizontal motion between the sieves and the particles. Remove the lid from the sieve/collector pan unit and disassemble each sieve separately beginning with the largest sieve. As each sieve is removed, examine it for loose particles. If loose particles have not been sifted to the finest sieve through which they can pass, reassemble and cover the sieve/collector pan unit and gently rotate it an additional ten times. After disassembling the sieve/collector pan unit, slightly tilt and gently tap each sieve and the collector pan so that material aligns along one side. In doing so, minimize escape of particles into the air. Line up the sieves and collector pan in a row and visibly inspect the relative quantities of catch in order to determine which sieve (or whether the collector pan) contains the greatest volume of material. If a visual determination of relative volumes of catch among sieves is difficult, use a graduated cylinder to measure the volume. Estimate TFV for the sieve catch with the greatest volume using Table 1 of this appendix, which provides a correlation between sieve opening size and TFV.

Table 1. Determination of Threshold Friction Velocity (TFV)

Tyler Sieve No.	ASTM 11 Sieve No.	Opening (mm)	TFV (cm/s)
5	5	4	135
9	10	2	100
16	18	1	76
32	35	0.5	58
60	60	0.25	43
Collector Pan	---	---	30

D.2 Collect at least three soil samples which represent random portions of the overall conditions of the site, repeat the above TFV test method for each sample and average the resulting TFVs together to determine the TFV uncorrected for non erodible elements. Non-erodible elements are distinct elements, in the random portion of the overall conditions of the site, that are larger than 1 cm in diameter, remain firmly in place during a wind episode, and inhibit soil loss by consuming Section of the shear stress of the wind. Non-erodible elements include stones and bulk surface material but do not include flat or standing vegetation. For surfaces with non-erodible elements, determine corrections to the TFV by identifying the fraction of the survey area, as viewed from directly overhead, that is occupied by non-erodible elements using the following procedure. Select a survey area of 1 meter by 1 meter that represents a random portion of the overall conditions of the site. Where many non-erodible elements lie within the survey area, separate the non-erodible elements into groups according to size. For each group, calculate the overhead area for the non-erodible elements according to the following equations:

Average Dimensions = (Average Length) x (Average Width)	Eq. 1
Overhead Area = (Average Dimensions) x (Number of Elements)	Eq. 2
Total Overhead Area = Overhead Area Of Group 1 + Overhead Area of Group 2 (etc)	Eq. 3
Total Frontal Area = Total Overhead Area/2	Eq. 4
Percent Cover of Non-Erodible Elements = (Total Frontal Area/Survey Area) x 100	Eq. 5

Note: Ensure consistent units of measurements (e.g., square meters or square inches when calculating percent cover).

Repeat this procedure on an additional two distinct survey areas that represent a random portion of the overall conditions of the site and average the results. Use Table 2 of this appendix to identify the correction factor for the percent cover of non-erodible elements. Multiply the TFV by the corresponding correction factor to calculate the TFV corrected for non-erodible elements.

Table 2. Correction Factors for Threshold Friction Velocity

Percent Cover of Non-Erodible Elements	Correction Factor
Greater than or equal to 10%	5
Greater than or equal to 5% and less than 10%	3
Less than 5% and greater than or equal to 1%	2
Less than 1%	None

SECTION E DETERMINATION OF FLAT VEGETATIVE COVER

Flat vegetation includes attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind. Flat vegetation, which is dead but firmly attached, shall be considered equally protective as live vegetation. Stones or other aggregate larger than 1 centimeter in diameter shall be considered protective cover in the course of

conduction the line transect test method. Where flat vegetation exists conduct the following line transect test method.

E.1 Line Transect Test Method. Stretch a 100 foot measuring tape across a survey area that represents a random portion of the overall conditions of the site. Firmly anchor both ends of the measuring tape into the surface using a tool such as a screwdriver, with the tape stretched taut and close to the soil surface. If vegetation exists in regular rows, place the tape diagonally (at approximately a 45° angle) away from a parallel or perpendicular position to the vegetated rows. Pinpoint an area the size of a 3/32 inch diameter brazing rod or wooden dowel centered above each 1 foot interval mark along one edge of the tape. Count the number of times that flat vegetation lies directly underneath the pinpointed area at 1 foot intervals. Consistently observe the underlying surface from a 90° angle directly above each pinpoint on one side of the tape. Do not count the underlying surface as vegetated if any portion of the pinpoint extends beyond the edge of the vegetation underneath in any direction. If clumps of vegetation or vegetative debris lie underneath the pinpointed area, count the surface as vegetated, unless bare soil is visible directly below the pinpointed area. When 100 observations have been made, add together the number of times a surface was counted as vegetated. This total represents the percent of flat vegetations cover (e.g., if 35 positive counts were made, then vegetation cover is 35%.) If the survey area that represents a random portion of the overall conditions of the site is too small for 100 observations, make as many observations as possible. Then multiply the count of vegetated surface areas by the appropriate conversion factor to obtain percent cover. For example, if vegetation was counted 20 times within a total of 50 observations, divide 20 by 50 and multiply by 100 to obtain a flat vegetation cover of 40%.

E.2 Conduct the line transect test method, as described in section E.1 of this appendix, an additional two times on areas that represent a random portion of the overall conditions of the site and average results.

SECTION F DETERMINATION OF STANDING VEGETATIVE COVER.

Standing vegetation includes vegetation that is attached (rooted) with a predominant vertical orientation. Standing vegetation, which is dead but firmly rooted, shall be considered equally protective as live vegetation. Conduct the following standing vegetation test method to determine if 30% cover or more exists. If the resulting percent cover is less than 30% but equal to or greater than 10%, then conduct the test in Section D; “Determination Of Threshold Friction Velocity (TFV,) of this appendix in order to determine if the site is stabilized, such that the standing vegetation cover is equal to or greater than 10%, where threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43cm/second.

F.1 For standing vegetation that consists of large, separate vegetative structures (e.g., shrubs and sagebrush,) select a survey area that represents a random

portion of the overall conditions of the site that is the shape of a square with sides equal to at least 10 times the average height of the vegetative structures. For smaller standing vegetation, select a survey area of three feet by three feet.

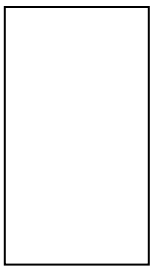
F.2 Count the number of standing vegetative structures within the survey area. Count vegetation, which grows in clumps as a single unit. Where different types of vegetation exist and/or vegetation of different height and width exists, separate the vegetative structures with similar dimensions into groups. Count the number of vegetative structures in each group within the survey area. Select an individual structure within each group that represents the average height and width of the vegetation in the group. If the structure is dense (e.g., when looking at it vertically from base to top there is little or zero open air space within its perimeter,) calculate and record its frontal silhouette area, according to Equation 6 of this appendix. Also, use Equation 6 of this appendix to estimate the average height and width of the vegetation if the survey area is larger than nine square feet. Otherwise, use the procedure in section F.3 of this appendix to calculate the frontal silhouette area. Then calculate the percent cover of standing vegetation according to Equations 7, 8, and 9 of this appendix.

Frontal Silhouette Area = (Average Height) x (Average Width)	Eq. 6
Frontal Silhouette Area Of Group= (Frontal Silhouette Area Of Individual Vegetative Structure) x (Number Of Vegetation Structures Per Group)	Eq. 7
Total Frontal Silhouette Area = Frontal Silhouette Area Of Group 1 + Frontal Silhouette Area Of Group 2 (etc.)	Eq. 8
Percent Cover Of Standing Vegetation = (Total Frontal Silhouette Area/Survey Area) x 100	Eq. 9
Percent Open Space = [(Number Of Circled Gridlines Within The Outlined Area Counted That Are Not Covered By Vegetation/Total Number Of Gridline Intersections Within The Outlined Area) x 100]	Eq.10
Percent Vegetative Density = 100 – Percent Open Space	Eq. 11
Vegetative Density = Percent Vegetative Density/100	Eq. 12
Frontal Silhouette Area = [Max. Height x Max. Width] x [Vegetative Density/.04]o.5	Eq. 13

Note: Ensure consistent units of measurement (e.g., square meters or square inches when calculating percent cover.)

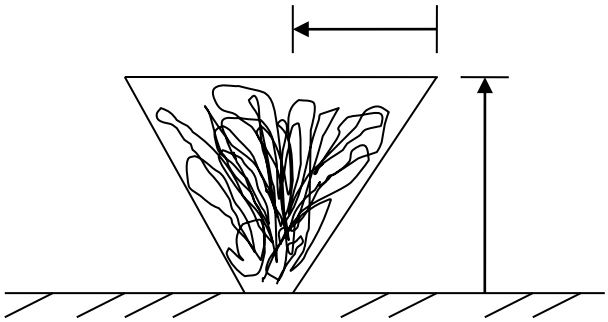
F.3 Vegetative Density Factor. Cut a single, representative piece of vegetation (or consolidated vegetative structure) to within 1cm of surface soil. Using a white paper grid or transparent grid over white paper, lay the vegetation flat on top of the grid (but do not apply pressure to flatten the structure.) Grid boxes of 1 inch or ½ inch squares are sufficient for most vegetation when conducting this procedure. Using a marker or pencil, outline the shape of the vegetation along its outer perimeter, according to Figure B, C, or D of this appendix, as appropriate. (Note: Figure C differs from Figure D primarily in that the width of vegetation in Figure C is narrow at its base and gradually broadens to its tallest height. In Figure D, the width of the vegetation generally becomes narrower from its midpoint to its tallest height.) Remove the vegetation, count and record the total number of gridline intersections within the outlined area, but do not count gridline intersections that connect with the outlined shape. There must be at least 10 gridline intersections within the outlined area and preferably more than 20, otherwise, use smaller grid boxes. Draw small circles (no greater than a 3/32 inch diameter) at each gridline intersection counted within the outlined area. Replace the vegetation on the grid within its outlined shape. From a distance of approximately 2 feet directly above the grid, observe each circled gridline intersection. Count and record the number of circled gridline intersections that are not covered by any piece of the vegetation. To calculate percent vegetative density, use Equations 10 and 11 of this appendix. If percent vegetative density is equal to or greater than 30, use an equation (one of the equations-Equations 16, 17, or 18 of this appendix) that matches the outline used to trace the vegetation (Figure B, C, or D) to calculate its frontal silhouette area. If percent vegetative density is less than 30, use Equations 12 and 13 of this appendix to calculate the frontal silhouette area.

Figure B. Cylinder



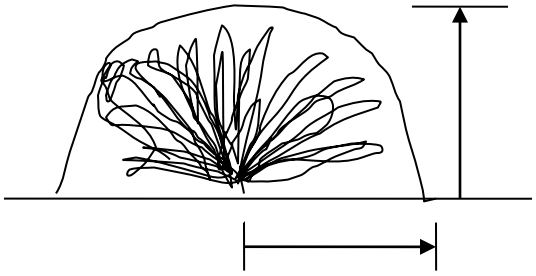
Frontal Silhouette Area = Maximum Height x Maximum Width Eq.16

Figure C. Inverted Cone



Frontal Silhouette Area = Maximum Height x ½ Maximum Width Eq. 17

Figure D. Upper Sphere



Frontal Silhouette Area = (3.14 x Maximum Height x ½ Maximum Width)/2 Eq.18

SECTION G ROCK TEST METHOD

The Rock Test Method, which is similar to Section D, Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV) of this appendix, examines the wind-resistance effects of rocks and other non-erodible elements on disturbed surfaces. Non-erodible elements are objects larger than 1 centimeter (cm) in diameter that remain firmly in place even on windy days. Typically, non-erodible elements include rocks, stones, glass fragments, and hardpacked clumps of soil lying on or embedded in the surface. Vegetation does not count as a non-erodible element in this method. The purpose of this test method is to estimate the percent cover of non-erodible elements on a given surface to see whether such elements take up enough space to offer protection against windblown dust. For simplification, the following test method refers to all non-erodible elements as ‘rocks.”

G.1 Select a 1 meter by 1 meter survey area that represents the general rock distribution on the surface. A 1 meter by 1 meter area is slightly greater than a 3 foot by 3 foot area. Mark-off the survey area by tracing a straight, visible line in the dirt along the edge of a measuring tape or by placing short ropes, yard sticks,

or other straight objects in a square around the survey area.

G.2 Without moving any of the rocks or other elements, examine the survey area. Since rocks >3/8 inch (1cm) in diameter are of interest, measure the diameter of some of the smaller rocks to get a sense of which rocks need to be considered.

G.3 Mentally group the rocks >3/8 inch (1cm) diameter lying in the survey area into small, medium, and large size categories. Or, if the rocks are all approximately the same size, simply select a rock of average size and typical shape. Without removing any of the rocks from the ground, count the number of rocks in the survey area in each group and write down the resulting number.

G.4 Without removing rocks, select one or two average-size rocks in each group and measure the length and width. Use either metric units or standard units. Using a calculator, multiply the length times the width of the rocks to get the average dimensions of the rocks in each group. Write down the results for each rock group.

G.5 For each rock group, multiply the average dimensions (length times width) by the number of rocks counted in the group. Add the results from each rock group to get the total rock area within the survey area.

G.6 Divide the total rock area, calculated in section G.5 of this appendix, by two (to get frontal area.) Divide the resulting number by the size of the survey area (make sure the units of measurement match,) and multiply by 100 for percent rock cover. For example, the total rock area is 1,400 square centimeters divide 1,400 by 2 to get 700. Divide 700 by 10,000 (the survey area is 1 meter by 1 meter, which is 100 centimeters by 100 centimeters or 10,000 centimeters) and multiply by 100. The result is 7% rock cover. If rock measurements are made in inches, convert the survey area from meters to inches (1 inch = 2.54 centimeters.)

G.7 Select and mark-off two additional survey areas and repeat the procedures described in section G.1 through section G.6 of this appendix. Make sure the additional survey areas also represent the general rock distribution on the site. Average the percent cover results from all three survey areas to estimate the average percent of rock cover.

G.8 If the average rock cover is greater than or equal to 10%, the surface is stable. If the average rock cover is less than 10%, follow the procedures in section G.9 of this appendix.

G.9 If the average rock cover is less than 10%, the surface may or may not be stable. Follow the procedures in Section D.3 Determination Of Threshold Friction Velocity (TFV) of this rule and use the results from the rock test method as a correction (i.e., multiplication) factor. If the rock cover is at least 1%, such rock

cover helps to limit windblown dust. However, depending on the soil's ability to release fine dust particles into the air, the percent rock cover may or may not be sufficient enough to stabilize the surface. It is also possible that the soil itself has a high enough TFV to be stable without even accounting for rock cover.

G.10 After completing the procedures described in Section G.9 of this appendix, use Table 2 of this appendix to identify the appropriate correction factor to the TFV, depending on the percent rock cover.

RULE 806 CONSERVATION MANAGEMENT PRACTICES
(Adopted 11/08/2005; Revised 10/16/2012)

A. Purpose

The purpose of this regulation is to reduce the amount of coarse Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from Agricultural Operation Sites by requiring Conservation Management Practices to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to Agricultural Operation Sites located within Imperial County. Effective on and after January 1, 2013, an owner/operator shall implement the applicable CMPs selected for each Agricultural Operation Site. The provisions of this rule adopted on November 8, 2005 shall remain in effect until January 1, 2013 at which time the amendments adopted on October 16, 2012 shall take effect.

C. Definitions

In addition to the definitions of terms in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10), the following definitions shall govern the implementation of this rule:

C.1 AGRICULTURAL OPERATIONS: The growing and harvesting of crops for the primary purpose of earning a living.

C.2 AGRICULTURAL OPERATION SITE: One or more agricultural parcels that meet the following:

C.2.a Are under the same or common ownership or operation, or which are owned or operated by entities which are under common control; and

C.2.b Are located on one or more contiguous or adjacent properties wholly within Imperial County.

C.3 AGRICULTURAL PARCEL: A portion of real property used by an owner or operator for carrying out a specific agricultural operation. Roads, vehicle/equipment traffic areas, and facilities, on or adjacent to the cropland are part of the agricultural parcel.

C.4 ALTERNATIVE TILLING: Till alternative rows for weed management, reducing approximately 50% of field activity related to tilling, in addition to stabilizing soil surface and reducing soil compaction.

C.5 APPLICATION EFFICIENCIES: Use more efficient application equipment so as to reduce a minimum of one ground operation. Examples include: compact or low volume spray equipment; aerial applications; micro-heads or infrared spot sprayers; electrostatic sprayers. Reduces soil compaction, passes and chemical usage.

C.6 BALING/LARGE BALES: Reduce a minimum of one pass through the field per acre by using large balers to harvest crops.

C.7 BED/ROW SIZE OR SPACING: Reduce a minimum of one tillage operation by Increasing or decreasing the size of the planting bed area (can be done for field and permanent crops) or adjusting spacing. Spacing adjustments reduce the number of passes and soil disturbance by increasing plant density/canopy through reduction of row width to contain PM within the canopy.

C.8 BULK MATERIALS CONTROL: Minimize visible dust emissions from bulk materials by using dust suppressant or water to form a stabilized surface, or using a tarp to fully cover the pile or truckbed, or using a wind barrier or 3-sided structure to reduce entrainment of fugitive dust.

C.9 CHEMIGATION/FERTIGATION: Reduce a minimum of one ground operation by applying chemicals through an irrigation system. This reduces the need to travel in the field for application purposes, thus reducing operations and soil disturbance while increasing the efficiency of the application.

C.10 CHIPS/MULCHES, ORGANIC MATERIALS, POLYMERS, ROAD OIL & SAND: Application of any nontoxic chemical or organic dust suppressant that meets all specification required by any federal, state, or local water agency and is not prohibited for use by any applicable regulations. Chips/Mulches and organic materials should meet the specifications in the mulches definition below. Polymers, road oil and sand should create a stabilized surface during high traffic times such as harvest.

C.11 COMBINED OPERATION: Combine equipment to perform several operations during one pass, thereby reducing a minimum of one tillage operation. Examples include: use of one-pass till equipment in ground preparation or crop tillage; and cultivation and fertilization of a field crop in a single pass. Other benefits are reduction of soil compaction and time to prepare fields, both of which can be precursors to additional tillage requirements. If a combined operation is accomplished through equipment change/technological improvement, that action is considered one CMP, and either Equipment Changes/Technological Improvements CMP or Combined Operations CMP may be selected in a CMP Plan, but not both.

C.12 CONSERVATION IRRIGATION: Reduce a minimum of one tillage operation related to weeding by conserving the amount of water used by using either drip, sprinkler, or buried/underground line irrigation. Conserving water reduces weed population, which in turn reduces the need for tillage and reduces soil compaction.

C.13 CONSERVATION MANAGEMENT PRACTICE (CMP): An activity or procedure that prevents, reduces, or mitigates PM-10 normally emitted by, or associated with, an agricultural activity.

C.14 CONSERVATION MANAGEMENT PRACTICES PLAN (CMP PLAN): A document prepared by the owner or operator of an Agricultural Operation site that lists the selected CMPs for implementation. The CMP Plan also contains, but is not limited to, contact information for the owner or operator, a description of the Agricultural Operation Site and locations of Agricultural Parcels, and other information describing the extent and duration of CMP implementation.

C.15 CONSERVATION TILLAGE (e.g.: no tillage, minimum tillage): A tillage system that reduces a minimum of three tillage operations. This system reduces soil and water loss by reducing the number of passes and by leaving crop residue on the field after harvest as well as managing the residue so that it remains intact during the planting season. It reduces the number of passes and amount of soil disturbance. It improves soil because it retains plant residue and increases organic matter.

C.16 COVER CROPS: Establish cover crops that maintain a minimum of 60 percent ground cover, as determined by the Line Transect Test Method. Native or volunteer vegetation that meets the minimum ground cover requirement is acceptable.

C.17 CROP RESIDUE MANAGEMENT: Maintain crop residue from previous crops until tilling for the next crop. Crop residues must maintain a minimum of 60 percent ground cover as determined by Line Transect Test Method. Implements such as undercuters or sweeps can maintain crop residues without burying or destroying residues.

C.18 CROPLAND - OTHER: This CMP category includes CMPs to reduce windblown emissions.

C.19 CROSS WIND STRIPCROPING: Establish crops in parallel strips across the prevailing wind erosion direction and arranged so that strips susceptible to wind erosion are alternated with strips having a protective cover that is resistant to wind erosion. The strips with the protective cover should be at least as wide as the strips susceptible to wind erosion.

C.20 EQUIPMENT CHANGES/TECHNOLOGICAL IMPROVEMENTS: Reduce a minimum of one tillage operation by modifying equipment or making technological improvements. Examples include flame cultivation or equipment that combines discing, chiseling and ring rolling. If an equipment change/technological improvement is made in order to combine operations, that action is considered one CMP; either Equipment Changes/Technological Improvements CMP or Combined Operations CMP may be selected in the CMP plan, but not both.

C.21 FALLOW LAND: Temporary or permanent removal from production. Eliminates entire operation/passes or reduces activities.

C.22 FIELD WINDBREAKS: Plant or maintain a single or multiple row of trees or shrubs adjacent to windward edge of the field as close to perpendicular as practical with the direction of erosive winds. Windbreaks such as trees or shrubs should be established at a right angle to the prevailing wind direction. Sites downwind of the windbreak are considered protected if they fall within an area that is less than or equal to 10 times the height of the windbreak. The windbreak should have a porosity of 50 %.

C.23 GRAVEL: Placing a layer of Gravel at least 3 inches in depth to minimize dust generated from vehicle movement and to dislodge any excess debris which can become entrained. Gravel should conform to the grading defined in Rule 800.

C.24 GREEN CHOP: Reduce a minimum of one ground operation by harvesting a forage crop without allowing it to dry in the field. This practice reduces soil disturbance and soil compaction.

C.25 GRINDING/CHIPPING/SHREDDING: Grinding pruning's and orchard removals instead of burning; incorporate to soil. Reduces PM from burning crop residues.

C.26 GROUND OPERATION: An agricultural operation that is not a tillage operation that involves equipment passing across the field, such as a chemical spray application. A pass through the field may be a subset of a ground operation.

C.27 HAND HARVESTING: Reduce a minimum of one ground operation by harvesting a crop by hand. It reduces soil disturbance due to machinery passes.

C.28 INTEGRATED PEST MANAGEMENT: Reduce a minimum of one ground operation by using a combination of techniques including organic, conventional and biological farming concepts to suppress pest problems.

It creates beneficial insect habitat that reduces the use of herbicides/pesticides thereby reducing number of passes for spraying. It also reduces soil compaction and the need for additional tillage. If integrated pest management CMP uses the same practices described in the Organic Practices CMP, this action is considered one CMP, and either Integrated Pest Management CMP or Organic Practices CMP may be selected in a CMP plan, but not both.

C.29 IRRIGATION POWER UNITS: Use cleaner burning engines, electric motors (CMP only applicable if engines are cleaner than otherwise required by current local, state and federal requirements).

C.30 MULCHING: Reducing PM10 emissions and wind erosion and preserving soil moisture by uniformly applying a protective layer of plant residue or other material to a soil surface prior to disturbing the site to reduce soil movement. Mulching material shall be evenly applied, and if necessary, anchored to the soil. Mulch should achieve a minimum 70% cover, and a minimum of 2 inch height above the surface. Inorganic material used for mulching should consist of pieces of .75 to 2 inches in diameter.

C.31 NIGHT FARMING: Operate at night when moisture levels are higher and winds are lighter. It decreases the concentration of PM emissions during daytime and the increased ambient humidity reduces PM emissions during the night. Night farming should take place between sundown and sunrise.

C.32 NIGHT HARVESTING: Implementing harvesting practices at night when moisture levels are higher and winds are lighter. It reduces PM by operating when ambient air is moist, thereby reducing PM emissions. Night harvesting should take place between sundown and sunrise.

C.33 NO BURNING: Switching to a crop/system that would not require waste burning. It reduces emissions associated with burning.

C.34 NON TILLAGE/CHEMICAL TILLAGE: Reduce a minimum of one tillage operation by, for example, using a flail mower or low volume sprayers. It reduces soil compaction and stabilizes soil.

C.35 ORGANIC PRACTICES: Reduce a minimum of one ground or tillage operation by using biological control methods or non-chemical control methods. Examples include: organic certification, biological controls, mulches and humus. If an organic practice CMP uses the same practice as described in the integrated pest management CMP, this action is considered one CMP, and either Organic Practices CMP or Integrated Pest Management CMP may be selected in a CMP plan, but not both.

C.36 PAVING: To pave currently Unpaved Roads.

C.37 PERMANENT CROPS: Having an established permanent crop that is not replanted annually.

C.38 PRECISION FARMING (GPS): Reduce a minimum of one pass through the field per acre by using satellite navigation to calculate position in the field, therefore manage/treat the selective area. It reduces overlap and allows operations to occur during inclement weather conditions and at night thereby generating less PM.

C.39 PRE-HARVEST SOIL PREPARATION: Applying a water or stabilizing material to soil prior to harvest to form a visible crust. It reduces PM emissions at harvest.

C.40 REDUCED PRUNING: Reduce a minimum of one ground operation by reducing the frequency of pruning (e.g. one time per year, or every other year).

C.41 RESTRICTED ACCESS: To restrict or eliminate public access to unpaved private roads with signs or physical obstructions. At each access point, install signs or physical barriers such as gates, fencing, posts, signs, shrubs, trees that block or effectively control access to the area. It reduces vehicle traffic and thus reduces associated fugitive dust.

C.42 RIDGE ROUGHNESS: Establish stabilized ridges by normal tillage and planting equipment as close to perpendicular as practical with the direction of erosive winds (not appropriate for unstable soils such as sands or loamy sands). After establishment, ridges shall be maintained through those periods when wind erosion is expected to occur, or until growing crops provide enough cover to protect the soil from wind erosion. Ridge spacing should be no greater than 4 times the ridge height.

C.43 ROAD MIX: A mixture of tank bottoms from crude oil storage tanks, material from crude oil spills, or other crude-oil-containing soil mixed with aggregates and soils, that are used as a base cover materials for roads, parking lots, berms, tank and well locations, or similar applications.

C.44 SHED PACKING: Reducing a minimum of one pass through the field per acre by packing commodities in a covered or closed area, rather than field-pack. It reduces field traffic, thereby reducing PM emissions.

C.45 SHUTTLE SYSTEM/LARGE CARRIER: Reduce a minimum of one pass through the field per acre by hauling multiple or larger trailers/bins per trip.

C.46 SOIL AMENDMENTS: Organic or chemical materials uniformly applied to the soil for improvement (e.g: gypsum, lime, polyacrylamide).

C.47 SPEED LIMITS: Control speed limits to 15 mph on unpaved roads through worker behavior modifications, signage, or any other necessary means.

C.48 SULFUR REDUCTION OR ELIMINATION: Reduce a minimum of one ground operation by reducing or eliminating sulfur dusting, an organic chemical used to control disease in crop, ornamental and home and gardens.

C.49 SURFACE ROUGHENING: Produce and maintain stable clods or aggregates on the land surface by bedding, rough disking, or tillage that leaves the surface covered by stable clods. Soil clods prevent wind erosion because they resist the forces of the wind and because they shelter other erodible materials. This CMP should be implemented consistent with NRCS Code 609 – Surface Roughening.

C.50 TILLAGE OPERATION: An agricultural operation that mechanically manipulates the soil for the enhancement of crop production. Examples include discing, weeding, or bedding. A pass through the field may be a subset of a tillage operation.

C.51 TRACK-OUT CONTROL: Minimize any and all material that adheres to and agglomerates on all vehicle and equipment from unpaved roads and falls onto a paved public road or the paved shoulder of a paved public road. Install one of the following devices: a grizzly, a gravel pad or a wheelwash system at all intersections of unpaved roads and public roads.

C.52 TRANSGENIC CROPS: Use of GMO or Transgenic crops such as “herbicide-ready” to reduce a minimum of one tillage operation. It reduces the need for tillage or cultivation operations, as well as reduces soil disturbance. It can also reduce the number of chemical applications.

C.53 WATER APPLICATION: Application of water to unpaved roads and traffic areas to create a visibly moist surface.

C.54 WIND BARRIER: Reduce wind erosion by planting or maintaining perennial or annual plants established in rows or narrow strips interspersed throughout a crop field as close to perpendicular as practical with the direction of erosive winds. To be effective, the selected plant(s) must create a stand at least three feet tall, with a porosity of 50%.

D. Requirements for Agricultural Operation Sites:

D.1 All Persons who own or operate an Agricultural Operation Site of forty (40) acres or more in size shall implement in each Agricultural Parcel at least one of the Conservation Management Practices from each of D.1.a through D.1.f. unless they implement the Conservation Tillage CMP. On

acres implementing the Conservation Tillage CMP, persons do not need to select additional measures for D.1.a, D.1.b or D.1.e, but do need to implement at least one CMP each from D.1.c, D.1.d and D.1.f. Persons may choose the same CMP for D.1.c and D.1.d since they apply to different land, but must choose a unique and individual CMP for each of D.1.a, D.1.b, D.1.e and D.1.f (unless using Conservation Tillage CMP) since they apply to the same land.

D.1.a Land preparation and cultivation, CMPs in Section E.1;

D.1.b Harvest activities, CMPs in section E.2;

D.1.c Unpaved Roads, CMPs in Section E.3;

D.1.d Unpaved Traffic Areas, CMPs in Section E.4;

D.1.e Cropland-Other, CMPs in Section E.5; and

D.1.f Windblown Dust Control, CMPs in Section E.6.

D.2 Agricultural unpaved roads with greater than fifty (50) or more vehicle daily trips (VDT), or twenty (20) or more VDT with three (3) or more axle vehicles, must meet the stabilization and opacity requirements in Section E.3.

D.3 Agricultural unpaved equipment or traffic areas with fifty (50) or more VDT, or twenty (20) or more VDT with 3 or more axle vehicles, must meet the stabilization and opacity requirements in Section E.4.

D.4 The owner or operator of an Agricultural Operation Site may implement more than one Conservation Management Practices for one or more of the categories.

D.5 The owner or operator of an Agricultural Operation Site shall ensure that the implementation of each selected Conservation Management Practices does not violate any other local, state, or federal law.

D.6 The owner or operator of an Agricultural Operation Site may develop alternative CMPs. The owner or operator shall submit to the APCD a technical evaluation of the alternative CMPs, demonstrating that the alternative CMP achieves PM-10 emission reductions that are at least equivalent to the most effective CMPs available for the applicable operation (e.g., by eliminated equivalent passes or operations). The APCD will review the technical evaluation, and the alternative CMP must receive approval by the APCD before being included in the CMP Plan.

D.7 The owner or operator shall prepare a CMP Plan for each Agricultural Operation Site. The CMP Plan shall be made available to the APCD upon request. The CMP Plan shall be provided to the APCD within 72 hours of notice to the owner or operator.

E. Conservation Management Practices for Fugitive Dust (PM-10)

E.1 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs in each Agricultural Parcel to reduce PM10 emissions from land preparation and cultivation (CMP Category D.1.a). If the owner or operator selects “Fallow Land” as its CMP, the owner/operator must comply with section E.6 of this rule.

E.1.a Alternative Tilling,
E.1.b Bed/Row Size Spacing,
E.1.c Chemigation/Fertigation,
E.1.d Combined Operations,
E.1.e Conservation Irrigation,
E.1.f Cover Crops,
E.1.g Equipment Changes/Technological Improvements,
E.1.h Fallow Land,
E.1.i Integrated Pest Control,
E.1.j Mulching,
E.1.k Night Farming,
E.1.l Non Tillage /Chemical Tillage,
E.1.m Organic Pesticides,
E.1.n Precision Farming (GPS), or
E.1.o Transgenic Crops

E.2 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs in each Agricultural Parcel to reduce PM10 emissions from harvest activities (CMP Category D.1.b). If the owner or operator selects “Fallow Land” as its CMP, the owner/operator must comply with Section E.6 of this rule.

E.2.a Baling /Large Bales
E.2.b Combined Operations
E.2.c Equipment Changes/Technological Improvements
E.2.d Green Chop
E.2.e Hand Harvesting
E.2.f Fallow Land
E.2.g Night Harvesting
E.2.h No Burning
E.2.i Pre-Harvesting Soil Preparation
E.2.j Shed Packing
E.2.k Shuttle System/Large Carrier

E.3 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs for each unpaved road (CMP Category D.1.c) to reduce PM10 emissions at all times:

E.3.a Chips/Mulches, Organic Materials, polymers, road oil and sand,
E.3.b Gravel
E.3.c Paving,
E.3.d Restricted access
E.3.e Speed limit
E.3.f Track-out control
E.3.g Water Application
E.3.h Field windbreak

On each day that high traffic accounts for 50 or more vehicle daily trips (VDT), or 20 or more VDT with 3 or more axles, on an unpaved road segment, the owner/operator of an Agricultural Operation Site shall comply with the requirements of a stabilized unpaved road and limit VDE to 20% opacity by implementing or maintaining one or more of the following CMPs:

E.3.i Pave.
E.3.j Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads.
E.3.k Apply and maintain Gravel, recrushed/recycled asphalt or other material of low Silt (<5%) content to a depth of three or more inches.
E.3.l Water Application.
E.3.m Permanent road closure.
E.3.n Restrict unauthorized vehicle access.

E.4 The owner or operator of an agricultural operation site shall implement at least one of the following CMPs for each unpaved traffic area (CMP Category D.1.d) to reduce PM10 emissions at all times:

E.4.a Chips/Mulches, Organic Materials, Polymers, Road Oil and Sand,
E.4.b Gravel
E.4.c Paving
E.4.d Restricted Access
E.4.e Speed Limit
E.4.f Track-Out Control
E.4.g Water Application
E.4.h Field windbreak

On each day that high traffic accounts for 50 or more vehicle daily trips (VDT), or 20 or more VDT with 3 or more axles, on an Unpaved Traffic

Area larger than one (1) acre, the owner/operator of an Agricultural Operation Site shall comply with the requirements of a stabilized unpaved road and limit VDE to 20% opacity by implementing or maintaining one or more of the following CMPs:

E.4.i Pave.
E.4.j Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads.
E.4.k Apply and maintain Gravel, recrushed/recycled asphalt or other material of low Silt (<5%) content to a depth of three or more inches.
E.4.l Water Application.

E.5 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs in each Agricultural Parcel to reduce PM10 emissions from cropland-others (Category D.1.e). If the owner or operator selects “Fallow Land” as its CMP, the owner/operator must comply with Section E.6 of this rule.

E.5.a Alternate Tilling
E.5.b Application Efficiencies
E.5.c Bailing/Large Bales
E.5.d Bulk Materials Control
E.5.e Chemigation/Fertigation
E.5.f Conservation Irrigation
E.5.g Fallow Land
E.5.h Grinding/Chipping/Shredding
E.5.i Integrated Pest Management
E.5.j Irrigation Power Units
E.5.k Mulching
E.5.l Night Farming
E.5.m No Burning
E.5.n Non Tillage/Chemical Tillage
E.5.o Organic Practices
E.5.p Permanent Crops
E.5.q Reduced Pruning
E.5.r Soil Amendments
E.5.s Soil Incorporation
E.5.t Sulfur: Reduction or Elimination of Dusting
E.5.u Surface Roughening
E.5.v Transgenic Crops
E.5.w Wind Barrier

E.6 For windblown dust control (CMP Category D.1.f), the owner or operator of an agricultural operation site shall implement E.6.1. In addition to following E.6.1, if the owner or operator of an Agricultural Operation Site

has fields that are in between crops or more permanently fallow, the owner or operator shall implement at least one of the CMPs in E.6.2.

E.6.1 When preparing a field for planting, minimize the time that newly tilled soil is smooth and dry by leaving the field surface with large clods for as long as possible and bedding and planting the field as soon as possible once it no longer has large clods.

E.6.2 For fields that are in between crops or are permanently fallow, the owner shall implement at least one of the CMPs below:

E.6.2a Cover Crop
E.6.2b Conservation Tillage
E.6.2c Crop Residue Management
E.6.2d Cross Wind Stripcropping
E.6.2e Field Windbreaks
E.6.2f Ridge Roughness
E.6.2g Surface Roughening
E.6.2h Wind Barrier

F. CMP Plan Preparation

An owner or operator shall prepare a CMP Plan for each Agricultural Operation Site. An owner or operator must maintain a CMP Plan that corresponds to the current crops being grown in the field and the corresponding CMPs for those crops. Each CMP Plan shall include, but is not limited to, the following information:

F.1 The name, business address, and telephone number of the owner or operator responsible for the preparation and implementation of the CMP Plan.

F.2 The signature of the owner or operator and the date that the CPM Plan was signed.

F.3 The location of the Agricultural Operation Site: cross roads; canal and gate number.

F.4 The crop grown at each location covered by the CMP Plan, total acreage for each crop, the length (miles) of unpaved roads, and the total area (acres or square feet) of the unpaved equipment and traffic areas to be covered by the CMP Plan

F.5 The CMPs being implemented for each crop, unpaved road, unpaved equipment and traffic area, and windblown dust control. The CMPs implemented should be described to verify that implementation is

consistent with the CMP definitions in this rule.

F.6 Other relevant information as determined by the APCD.

G. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII. Failure to comply with the provisions of a CMP Plan shall also constitute a violation of Regulation VIII.

H. Record of Control Implementation

Any Person subject to the requirements of this rule shall maintain a copy of the CMP Plan and any supporting documentation necessary to confirm implementation of the CMPs. An owner or operator implementing alterative CMPs shall maintain a copy of technical evaluation for alternative CMPs and documentation of APCD approval of alternative CMPs. Records shall be maintained for two years after the date of each entry and shall be provided to the APCD upon request.